

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

DIVISION OF TOWN PLANNING

ANNUAL REPORT FOR THE YEAR ENDING

Nov. 30, 1937



| | Page |
|--------------------------------|------|
| COMPREHENSIVE ZONING | 3 |
| BALANCED ZONING | 4 |
| ZONING AND LIBERTY | 5 |
| SUBDIVISION CONTROL | 6 |
| MASTER PLAN | 7 |
| STATISTICS | 9 |

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The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE DIVISION OF TOWN PLANNING

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REPORT OF THE DIVISION ON TOWN PLANNING

This year 13 new planning boards have been established, all under the provisions of chapter 211 of the Acts of 1936. They are Adams, Chelmsford, Dennis, Dracut, Hampden, Harwich, Lincoln, Nahant, Petersham, Russell, Seekonk, Sherborn, and South Hadley. Adams and Nahant had boards at some time in the past, but they have had none for several years. This makes 139 boards in all, 69 of them being in towns of under 10,000 inhabitants. Ipswich established a planning board and within a few weeks annulled the action.

Attleboro, Concord, Haverhill, Milford, Natick, Paxton, Saugus, Swampscott, Wellesley, and Winthrop re-established their boards under chapter 211 of 1936, while Brookline accepted the provisions of that act adding subdivision control to the powers of its board of survey. This gives this new power to 24 places.

The 139 boards with new, or only the original, powers have definite duties to perform. It has been said that they are handicapped by opposition, by indifference, by niggardly appropriations and no trained assistance. It is also stated that failure is due to board members who lack interest, initiative, vigor, courage, or have a too narrow view of their task. For these and other reasons one of our boards floundered for several years. Then a new chairman, with many of the required qualities, put himself to the task of creating a board. A mid-term vacancy gave a chance to hand-pick a man with special ability. A sympathetic but uninterested member was persuaded to resign. Another hand-picked member was added. The reconstituted board went to work. It secured Federal aid, it showed officials and people what it planned to do, the value of the work, and received a town appropriation. At the last town meeting all its proposals were adopted with enthusiasm. The whole town is on the way, and it knows where it is going. The officials, including the planning board, are a team, cheered by an interested citizenry. Let others do likewise.

Action along zoning lines has not been very marked; but it is significant that Peabody and Watertown substituted comprehensive laws for elementary laws, the replaced law in Peabody being the so-called interim type, and that in Watertown an elementary zoning law. Canton and Nahant in their second effort, former attempts being some ten years ago, succeeded in adopting more or less comprehensive zoning. Chatham and Yarmouth, in their second efforts, were unsuccessful. Significant action in the way of improving more or less elementary laws was taken in Belmont, Sudbury, Wellesley, and Weston. Belmont acted upon 9 constructive amendments, adopting all. One raised about a third of the area of the town from 10,000- to 15,000-foot lot areas; and the other 8 raised various areas from a lower to a higher classification, business to residential or general residence to single residence.

Greenfield and Southborough prepared zoning schemes but postponed action for one year. Some time ago Hudson substituted a more complete for an elementary law and Franklin adopted an elementary law, but neither was published and the results were lost.

Sudbury established 20,000-foot minimum lot sizes for the entire town; Wellesley, 10,000-foot lot sizes for the entire town, and is now studying the situation with a view to increased sizes in certain areas; Weston, with a 10,000-foot provision, left this requirement for the small general residence area and divided the remainder of the town between 20,000, 30,000 and 40,000-foot requirements, the latter covering about 75 percent of the area of the town. The new Nahant law provides for 5,000 and 10,000-foot lots; the Watertown law for 5,000 and 8,000-foot lots; and the Peabody law for 6,000, 10,000 and 15,000-foot lots. This means that 7 places have taken constructive action, some of it very far-reaching, in regard to minimum lot sizes.

Along with such official action, a number of subdividers are developing large areas with lots ranging from 12,000 to 20,000 square feet in size. This all tends towards what people are seeking; spaciousness—light, air, privacy and fire protection; durability—livability, protection from intrusions and stable economic and social values.

Some of these constructive amendments were adopted with enthusiasm. With like enthusiasm other places weakened their laws, and their protection, by punching their laws full of holes.

A zoning law is, like a suit of clothes, intended for protection. If a suit of clothes has poor fabric and many holes, the wise action is to replace it, as did Peabody and Watertown. If its fabric is good and will hold patches, wise action covers the holes, as did Belmont, Sudbury, Wellesley, and Weston. It is an unwise town that will tear new holes in its protective suit, with an uproar of derisive yells. Too many places with meager protection receive a steady succession of pleas for more rending, and rarely reject one. It has become a habit, a habit difficult to overcome. These places are zoned, but they are zoneless, their protective suit riddled. Their future is in the past.

COMPREHENSIVE ZONING

There are very few comprehensive zoning laws. Many are so listed which are so only in part. Some have "use" features plus lot sizes, or yard provisions, or height and coverage provisions. The major mistakes have been made in regard to height and coverage. Given a certain width of streets, it is impotent to provide that in business, or any other, districts the height limit shall be 200 feet and the coverage 100 percent. To mean anything, height and coverage must bear a relationship to the street widths. In reality, there should be different height and coverage limits for every variance in street widths. The Chicago Regional Planning Association recommends for the entire area outside of Chicago, business and industrial buildings no higher than half the width of the street. The purpose of such regulations is to ensure that what is built upon private land may be serviced by the streets, as to traffic clearance, light and ventilation, fire protection, etc. When height and coverage provisions permit twice what the streets can service, the provisions are meaningless.

Since zoning laws were first established it has been learned that there are many needs and possibilities which were at first undiscovered or not considered. A city or town with only use zoning is in for much trouble. For the cities, except Boston, there is a state law limiting height to 125 feet; but no city has a street system which will service buildings of that uniform height. There is no height limit in towns unless established under a building or zoning law.

Comprehensive zoning provides for a well-considered system of use regulations; bulk regulations, arrived at through height and coverage; yard and court provisions; vision clearance; and, in residence districts, minimum lot sizes, front, side and rear yards, percentage of lot coverage; and, everywhere, regulation of accessory and nonconforming uses, and full provision for all desired administrative features. There are many uses which belong in certain districts, but which it is not safe to

admit indiscriminately. Garages, filling stations, saloons, and other uses, permitted in business districts, should not be allowed within certain distances from schools, churches and other institutions, and from residence districts bordering on business districts. These prohibitions may be made definite. There are many uses for which this method is not adapted, and for which special regulations must be provided. If they are not provided, the building inspector must issue a permit. No town, and but few cities, should have unrestricted districts. Varying according to the nature of the place, certain notoriously noxious industries may be barred by name, while others should be admitted only after a hearing by the board of appeals and a finding that in the location selected they will do no damage. The same method must be used in regard to the removal of earth products from residence districts. The resulting conditions after the operation is completed, the methods of handling material at the site and of transporting it through the town are all important items. Consideration is being given to hospitals for the insane, schools and custodial homes for the feeble-minded, fraternity houses (often only so called), music and dancing schools, and numerous other uses which frequently make life miserable for all unfortunate enough to live in the vicinity.

A new conception is essential in regard to mercantile buildings, where there is much loading and unloading of trucks. These buildings, more often than not, are located on narrow streets. There must be a limitation of coverage, to provide light, air, access for fire-fighting apparatus, and loading space; or loading rooms must be provided. These latter are much inferior to the former. But to propose a limitation of coverage, which will allow a town to function effectively, will be rigorously fought, because there are two or three small blocks surrounded by narrow streets where the owners want a 100-percent-coverage privilege. So all are given the privilege; and conditions go from bad to worse, finally to stagnation. It is pointed out that many merchants are actively competing with their would-be customers by occupying all possible parking space with trucks and their own and their employee's private cars. In one town a study showed that 83 percent of the reasonably available space was so occupied.

BALANCED ZONING

Comprehensive zoning must be also balanced zoning. When a city has five to ten times as much land zoned for business as it can ever use, it can't pretend to have balanced zoning. Most of our zoning is unbalanced. In places where it is worst there comes a constant succession of requests for what will make it more unbalanced. By acceding to these, cities and towns are perpetuating blight.

Balanced zoning means zoning that gives to industry and business, to apartments and general residence, such amounts of space as conscientious land-use studies show to be necessary. Probable growth should be considered. But the population curve is flattening out. Industrial and business zones are far too large. It has been said that areas now actually in use for these purposes are enough to meet the needs for all time. Were we to develop substantial buildings where every shack store, every monitor building, now stands, make the new buildings two or three stories high, there is no doubt but that the surmise would be correct.

Balanced zoning is arousing much interest, as we pointed out last year. But its value and justice is not yet generally understood. A local editor recently said that the law for his town was awkward, unfair, inequitable, and loose; and that it should be changed. It happens that a major highway runs through this town. It runs through land only slightly developed, a considerable distance from the two village and trading centers and from the developed residential areas. The editor's suggestion is that the land along this highway should be used for business purposes.

There are already developed business areas elsewhere, sufficient to more than meet the needs of the town. Moreover, a full and substantial development of the land involved would meet all the business needs of 100,000 people. There are less than one-sixth that many people in the town. To zone the area for business would accommodate very few of the local people, would injure businesses already established, and would result in what the English call a ribbon or shoestring

development. It would mean a few indifferent, tax-payer units scattered along the way, most of them making no money. It would give a very bad impression to people passing through and injure the reputation of the town. It would mean unbalanced zoning to a marked degree. It would not create values but would injure values of much adjacent land. The solution of this problem lies in making this main way a freeway, as pointed out in our report for 1935.

There is a rapidly growing belief that zoning laws must be rewritten. Every planning board should carefully consider its zoning law and gradually, or at once, provide zoning that is balanced and comprehensive.

It was not a crime to write poor zoning laws in the beginning. Poor administration of poor laws was not a crime, except in cases where criminal action took place. But now that we know the possibilities of good zoning and how to do it, it is a crime not to write good laws; and it is a crime to permit or even condone faulty administration. If as communities we have not enacted efficient laws, it is up to us to do so, and then to see that no administrator is so ignorant, or careless, or venal as to permit the laws to fail of their purpose.

ZONING AND LIBERTY

Lincoln said: "The shepherd drives the wolf from the sheep's throat, for which the sheep thanks the shepherd as his liberator, while the wolf denounces him for the same act, as the destroyer of liberty, . . . Plainly the sheep and the wolf are not agreed on a definition of the word liberty; and precisely the same difference prevails today among us human creatures."

To accomplish a desired purpose, whether it be to achieve a new ideal or to correct a wrong, a plan must be worked out and put into effect. But every such proposal is opposed by those who profit by no change and those who oppose change merely because it is change. They do this in the name of Liberty, whereas there can be no liberty without progress and the correction of wrongs. To regulate automobile drivers so as to save lives and property, to regulate the stock market to protect innocent investors, to require pure foods and drugs for the welfare of the people, to do any one of a thousand things, interferes with the liberty of someone, but is essential for the liberty of all. If I may not poison your child, by a like token you may not poison mine. We have to mutually agree to a limitation of our liberties, all people have to so agree in the interests of all. It is necessary if we are to achieve any kind of social purpose, if we are to improve conditions or to stop injurious trends or to become civilized.

A chief purpose of zoning is to protect property values and to promote the public welfare. Because of the trends of the time, very largely because of the development of the automobile, it has become imperatively necessary to take action, to regulate, to protect. It is unfortunate, therefore, to have a town counsel say that zoning simmers down to managing the use of your neighbor's property rather than your own, and that nowadays everyone has more rights to land than the man who pays taxes on it; or to have a citizen say that zoning is a noose around the neck of better business, and ask whether this is Austria or free America; or to hear a town clerk say that he fought through the four years of the Civil War in the name of liberty, and that he did not now propose to surrender his liberty. The gentlemen highwaymen of England and the pirates of the sea used the same arguments when their liberties were being curbed.

One has only to contrast our towns, their appearance and their prosperity, to learn that there is some meaning to a sound scheme of growth, and become convinced that all people must be regulated in the interest of all. That this is so is asserted by the National Association of Real Estate Boards, the U. S. Chamber of Commerce, the investment bankers, the insurance companies, the public utilities, in fact by every major group in the country. They can't all be wrong.

A town meeting was recently considering a zoning law. A citizen, supposedly intelligent and public-spirited, said he believed in zoning but that the law proposed was needlessly drastic and unreasonable and he would have nothing to do with it. The law was submitted to the National Association of Real Estate Boards for an opinion. It referred the law to its expert, a man nationally known for his

sound work; and he replied:—"While I am not familiar with the conditions in, I do not consider this by-law to be unreasonable or needlessly exacting in details. I have a summer home in the village of, which, I judge, is rather similar in size and conditions to I would be most happy to see a zoning ordinance in of the type proposed in" The town for which the by-law was proposed is preeminently a summer town. It rejected the by-law in the name of liberty.

"Zoning permits, or requires, group action which limits individual liberty, to acquire greater liberty and stability for the whole group." Ray B. Haight.

In *West Coast Hotel Co. v. Parrish*, Chief Justice Hughes said:—"Liberty in each of its phases has its history and connotation. But the liberty safeguarded is liberty in a social organization which requires the protection of law against the evils which menace the health, safety, morals, and welfare of the people." In *Morehead v. Tipaldo*, he said:—"Liberty implies the absence of arbitrary restraint, not immunity from reasonable regulations and prohibitions imposed in the interests of the community."

Joseph Lee once said that "If the lover of 'liberty' could go back and pass a year in some city of the middle ages, where freedom from sanitary law was given a fair chance to show what it could do, where the ignorance and laziness of each citizen had free scope to accomplish their perfect work,—I think that after such an experience the most ardent apostle of liberty in the negative sense would return with the conviction that after all the Black Death, the plague, cholera and smallpox are a class of tyrants whose rule is, upon the whole, more to be dreaded than that of the board of health."

SUBDIVISION CONTROL

Twenty-four (24) places now have the power of subdivision control under the new law. All boards should have this power. All that is necessary is a vote to re-establish the board under the provisions of General Laws, ch. 41, sec. 81A, as added by ch. 211, 1936; and a vote to accept the provisions of 81F to 81J, inclusive, as above added. The first step after power is secured is to adopt rules as to how subdivision plans shall be prepared and filed, and as to procedure under the law. These rules should cover:—

Scale and size of sheet.

Specify all data to be provided.

Streets—general requirements as to connections, width, grade, drainage, etc.

That streets shall be developed to a prescribed extent, that certain utilities shall be installed under prescribed conditions, and that all town-provided utilities shall be installed at a specified stage of the development.

Block sizes.

Lot size requirements if not otherwise covered.

Some stipulation in regard to land unfit for homes, because of swampy or other conditions.

In regard to urban land use, probably the most destructive work, economically and socially, ever done has been through unnecessary and faulty subdivisions. The country is filled with areas, urban, suburban, and even rural, where blight is rampant. The subdivider, the town and the purchaser all suffer. Control is coming, in most places a hundred or more years too late. But there is opposition from the unthinking and purely selfish. They say it is too much power to give any public body. One chairman replies that full power now exists, but it is all in the hands of the subdivider, who has complete power to make or mar, to create or butcher, and that most of it has been butchery. He urges that this power be given to towns, so that they may direct development in the interests of all. A new area with the whole layout as it should be, good approach, properly constructed streets and utilities, good design and honest construction of homes; all will give beauty, livability, contentment, and provide a stability of values which is now being demanded by all thinking people. The day of wild-cat land speculation and land butchery should end. The only way to end it is to stop it. It is a cancer. Towns will stop it or it will kill them.

The proper design of new neighborhood units, or the redesign of existing ones, requires care, training, balanced judgment, a sense of direction, definiteness of purpose, and enough backbone to prevent the track of the directing authority from resembling that of an inebriate or a paralytic. Towns should control the quantity as well as the quality of subdivisions. A good but entirely unnecessary subdivision is injurious. When almost all of Kansas and Nebraska was being subdivided a legislator proposed that at least every tenth section of land be reserved for agriculture. Too much and too bad are still the prevailing faults of subdivision work.

Street widths should fit the purpose and needs of the area. It is high time to lay out neighborhood units that are to remain neighborhood units. They must be held inviolate from intrusions, and there must be no anticipation of street widening that will break down the area. Some streets should have but 12 feet of surfaced area, the remaining open space being reserved for grass, shrubs, and trees. Such units should invite no through traffic. It would be better to allow no through traffic, by having but one entrance, leading from the major way of approach, to be used by residents, visitors, and those servicing the area. The butchery of children, and adults, could thus be ended.

The cul-de-sac is frowned upon. Today it is the safest and most comfortable location for a home. Its worst form is a dead-end street with a turning space. Its ideal form is a neighborhood unit, a glorified cul-de-sac. Such a unit should be large enough to require a school of reasonable size. It should be developed as a "greenbelt" unit, the greenbelt insulating it from the hazards and annoyance of the main way of approach. We never yet have designed, much less built, a genuine automobile-age town. The prevailing slaughter of people, money, and amenity is the result. Billions of money are going into more machines, more roads, all designed for more destruction of life and property. The Juggernaut and its way run through mangled bodies, a mangled countryside—the results of a mangled intelligence.

The first step for a planning board under the new law is to prepare itself for a sound and efficient administration of the subdivision control features. Land butchering much stop, because, as a capable subdivider says,—“We all want it to stop.” This same man said that the most effective sales point was that a subdivision is sound and properly developed, with the facts proven—not merely said to be so.

One of the best methods of securing control of needless and fatally expensive (to the town) developments is to require a proper development of the streets and the essential utilities. This is the only way to avoid the wasteful and unsocial results which come from our usual method of butchering land.

MASTER PLAN

While proper subdivision control depends much upon a sound master plan, the latter cannot be worked out at once. It is an evolution, requiring intelligent and continuous study and adaptation. The master plan will contain many elements which will affect the success of a subdivision, and essential data should be collected as soon as possible. All wise subdividers will be guided by such data. Otherwise they may find their efforts, and money, wasted. The town, and lot purchasers, stand to lose as well. Replanning is far more expensive than planning. Bad subdivision work penalizes purchasers in many ways, a chief one being betterment assessments, or going without what the assessments would provide. Some states require a master plan before subdivision control may be exercised. Both are essential to good work, and local boards should be guided by this.

A major street plan should be studied at once. It is essential if a board is to be able to foresee how a subdivision fits into the general plan. New streets in the major plan should be laid down on the map, as nearly as possible where they should go, if and when needed. They should be carefully coordinated with the existing center or centers and other main ways leading to other towns. With these ways studied, a board may begin subdivision control with some accuracy.

When a subdivision is related to a proposed major way, the way should be surveyed and fixed on the map.

Subdivisions and all elements of the master plan, to be accurately guided, require basic data which should be secured at an early date. We may but outline some of these needs. Some will be more important in one place, others in other places. Some will be needed here and not at all there. Much of the material is already available and needs but to be collected, tabulated, spotted on a map, or otherwise made usable. Some features are:—

A town map—a tool needed for all features.

Width, grades and types of construction of streets.

Zoning map fully up to date.

Land use survey.

Assessments and land values map.

Water supply system.

Sewers.

Surface and storm drainage.

Public buildings, with emphasis on schools.

Parks, playgrounds, and other open spaces.

Electric light and power system.

Gas system.

Telephone system.

Contour map.

Special map data and other data should include:—

Population spot map.

Expenditures—classified.

School population spot map.

Taxable values.

Income—amount and sources.

These, possibly other, data will be used in forecasting trends and needs. The physical, economic and social problems of the town may be studied, their trends predicted, when this information is at hand. Total and school populations should be recorded for several past decades, and predicted for future decades. Many influences affecting population must be recognized. Income, expenditures, taxable values and other features should be listed for past decades and estimated for future decades.

With data of this nature in usable shape, a planning board need not wander in the dark. With no data, it will exercise no leadership, it will serve no purpose, it should not exist. There are men and women who can and will do the necessary work. Each town should find them and aid them, or not pretend to do planning work.

A master plan, it will be seen, is a continuing, perpetual process, not a fixed thing. For example, it is seen that a new school will be needed in five or more years. Past and present trends indicate that it should go here and be of a certain size. By the time it is built it is found that it should go there, some distance from the first point, and be of a different size. This is planning, not drift. It costs a little money and some work. It saves millions.

A high school was built, by rule of thumb. Incapable men did it. Its chemical laboratory had no water connection. In its first year of use classes were held in the corridors. It was a mess, no object of pride, notably inefficient. This is drifting, not planning.

PLANNING BOARD ACTIVITIES

BOARDS ESTABLISHED

| | | | | |
|--------------|-------------------|----------------|--------------------|------------------|
| Adams | Danvers | Lawrence | North Attleborough | Stoughton* |
| Amesbury | Dartmouth* | Lenox* | Northbridge* | Sudbury* |
| Amherst* | Dedham | Leominster | Norwood | Swampscott |
| Andover* | Deerfield* | Lexington* | Oak Bluffs* | Taunton |
| Arlington | Dennis* | Lincoln* | Paxton* | Tisbury* |
| Ashland* | Dracut* | Longmeadow* | Peabody | Wakefield |
| Attleboro | Duxbury* | Lowell | Petersham* | Walpole* |
| Athol | Easthampton | Lynn | Pittsfield | Waltham |
| Auburn* | East Longmeadow* | Lynnfield* | Plymouth | Watertown |
| Barnstable* | Everett | Malden | Quincy | Wayland* |
| Bedford* | Fairhaven | Manchester* | Randolph* | Webster |
| Belmont | Fall River | Mansfield* | Reading* | Wellesley |
| Beverly | Falmouth* | Marblehead* | Revere | Westborough* |
| Billerica* | Fitchburg | Medfield* | Russell* | West Boylston* |
| Boston | Framingham | Medford | Salem | Westfield |
| Bourne* | Franklin* | Melrose | Saugus | Weston* |
| Braintree | Gardner | Methuen | Scituate* | West Springfield |
| Bridgewater* | Gloucester | Middleborough* | Seekonk* | Westwood* |
| Brockton | Great Barrington* | Milford | Sharon* | Weymouth |
| Brookline | Greenfield | Millis* | Sherborn* | Whitman* |
| Cambridge | Hampden* | Milton | Shrewsbury* | Wilbraham* |
| Canton* | Hanover* | Nahant* | Somerville | Wilmington* |
| Carlisle* | Harwich* | Natick | Southborough* | Winchester |
| Chatham* | Haverhill | Needham | Southbridge | Winthrop |
| Chelmsford* | Hingham* | New Bedford | South Hadley* | Woburn |
| Chicopee | Holyoke | Newton | Springfield | Worcester |
| Clinton | Hudson* | North Adams | Stockbridge* | Yarmouth* |
| Concord* | Hull* | Northampton | Stoneham | |

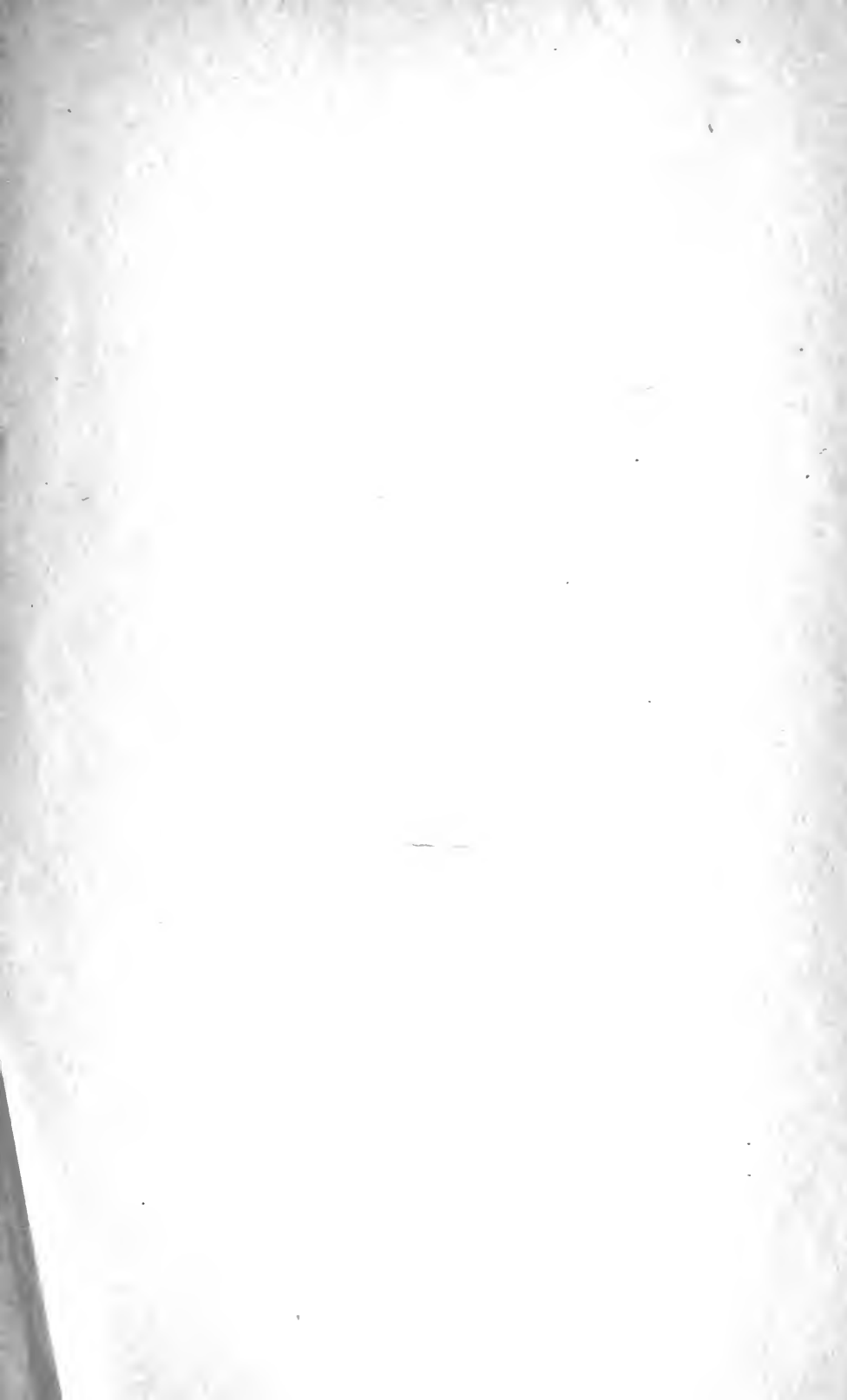
* Under 10,000 population.

NO BOARDS: Chelsea, Marlborough, Newburyport.

CITIES AND TOWNS WHICH HAVE BEEN ZONED

| COMPREHENSIVE | COMPREHENSIVE—Continued | PARTIAL |
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| Brockton.....Nov., 1920 Brookline.....May, 1922 Longmeadow.....July, 1922 Springfield.....Dec., 1922 Newton.....Dec., 1922 West Springfield.....May, 1923 Cambridge.....Jan., 1924 Lexington.....Mar., 1924 Melrose.....Mar., 1924 Winchester.....Mar., 1924 Arlington.....May, 1924 Boston.....June, 1924 Woburn.....Jan., 1925 Belmont.....Jan., 1925 Needham.....Mar., 1925 Walpole.....Mar., 1925 Stoneham.....Mar., 1925 Waltham.....July, 1925 Haverhill.....Oct., 1925 Medford.....Oct., 1925 Wakefield.....Nov., 1925 North Adams.....Dec., 1925 Somerville.....Dec., 1925 New Bedford.....Dec., 1925 Fairhaven.....Feb., 1926 Falmouth.....Apr., 1926 Reading.....May, 1926 Lynn.....June, 1926 Lowell.....July, 1926 Malden.....July, 1926 Everett.....July, 1926 Norwood.....May, 1927 Gloucester.....Nov., 1927 Pittsfield.....Dec., 1927 Marblehead.....Apr., 1928 Weston.....Apr., 1928 Concord.....Apr., 1928 Agawam.....Apr., 1928 East Longmeadow.....Apr., 1928 Saugus.....June, 1928 Lincoln.....Mar., 1929 Westwood.....Mar., 1929 Revere.....July, 1929 Winthrop.....Oct., 1929 | Lynnfield.....Nov., 1929 Wilbraham.....Feb., 1931 Natick.....Mar., 1931 Hull.....Mar., 1931 Westfield.....Aug., 1931 Great Barrington.....Mar., 1932 Carlisle.....Feb., 1933 Sharon.....Mar., 1933 Dover.....Mar., 1933 Wilmington.....July, 1934 Wayland.....Sept., 1934 Watertown.....Jan., 1936 Andover.....Mar., 1936 Peabody.....Feb., 1937 Canton.....Mar., 1937 Nahant.....Mar., 1937 Wellesley.....Mar., 1937 Sudbury.....Mar., 1937 <div>USE</div> Milton.....July, 1922 Holyoke.....Sept., 1923 Swampscott.....Apr., 1924 Dedham.....May, 1924 Chelsea.....June, 1924 Paxton.....Dec., 1924 Worcester.....Dec., 1924 Salem.....Nov., 1925 Hudson.....Mar., 1927 Bedford.....Mar., 1928 Middleton.....Apr., 1933 Stockbridge.....Feb., 1934 Scituate.....Mar., 1936 <div>INTERIM</div> Taunton.....Sept., 1925 Marlborough.....Jan., 1927 Petersham.....Mar., 1927 Oak Bluffs.....Apr., 1927 Northampton.....Sept., 1927 Barnstable.....June, 1929 Attleboro.....May, 1930 | Marshfield.....June, 1926 Fall River.....Sept., 1927 <div>PREPARED BUT NOT ADOPTED</div> Amesbury Amherst Attleboro Beverly Billerica Bourne Braintree Chatham Chelsea Chicopee Clinton Duxbury Easthampton Fitchburg Framingham Gardner Greenfield Hingham Leominster Littleton Manchester Marion Medfield Middleborough Northampton North Attleborough Plymouth Quincy Shrewsbury Southborough Southbridge Wenham Westborough Yarmouth |

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The Commonwealth of Massachusetts

ANNUAL REPORT

OF THE

DIVISION OF HOUSING AND TOWN
PLANNING

FOR THE

YEAR ENDING NOVEMBER 30, 1921

DEPARTMENT OF PUBLIC WELFARE



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DEPARTMENT OF PUBLIC WELFARE.
HOUSING AND TOWN PLANNING.

RICHARD K. CONANT, *Commissioner.*

Advisory Board.

ABRAHAM C. RATSHESKY, BOSTON, *Chairman.*

JEFFREY R. BRACKETT, BOSTON.

GEORGE CROMPTON, WORCESTER.

GEORGE H. McLEAN, SPRINGFIELD.

MRS. ADA ELIOT SHEFFIELD, CAMBRIDGE.

MRS. MARY P. H. SHERBURNE, BROOKLINE.

CONTENTS.

| | PAGE |
|--------------------------------------------------|------|
| Town Planning Progress | 7 |
| Reports of Planning Boards | 10 |
| Housing Experiment at Lowell | 29 |
| Appendix A: | |
| Conference Proceedings | 33 |
| Appendix B: | |
| An Ordinance creating a Planning Board | 45 |
| Form of By-law for Towns | 46 |

The Commonwealth of Massachusetts

REPORT OF THE DIVISION OF HOUSING AND TOWN PLANNING.

TOWN PLANNING PROGRESS.

Town planning is one of the greatest issues in the United States to-day. It is no longer to be regarded as a fad, but is an important phase of municipal activity. It is an attempt to plan ahead, that the growth of the community may be orderly and may bring comfort and convenience to all citizens. The tendency of people to gather together in small areas has brought with it real problems. Health and order and civic welfare will not come of their own accord. They must be planned for wisely, and the problem of achieving them grows as the community grows.

The civic problem of to-day is to provide for all citizens — not just a favored few — opportunity for normal living conditions, with sufficient light, air, sanitation and room for each individual, with provision also for recreation, education and esthetic development. This is the ultimate aim of town planning. The haphazard growth of cities has resulted in the necessity of replanning many areas, — a remedial method often attended by great opposition. This opposition must be overcome before much can be accomplished. Education is therefore a necessary part of town planning work.

Town planning as a scientific study did not begin until the latter half of the nineteenth century, when Paris, under the leadership of Baron Haussman, became the pioneer city. The movement soon began to spread. Germany, England and the United States became interested, and soon books were being written and actual progress was made in the town planning field. Now Japan, Brazil, Australia, Sweden, Holland, Italy,

India and many other countries have their private organizations or public departments to study and improve civic conditions. Over thirty years ago the town planning movement in England was begun with the founding of Port Sunlight. The Garden City Association was started in 1900.

The first national conference on city planning was held at Washington in 1909, when it was decided to hold annual conferences on city planning in which "all organizations contributing to the developing of the science of city planning might have a part."¹

Since the beginning of the town planning movement in America in 1893 over 200 cities have made a start in this work, and many have adopted comprehensive plans worked out under the direction of experts. Eighty-five cities and towns in the United States have taken up the study of zoning, and have zoning plans and ordinances accepted or in preparation.

In Massachusetts during the last year encouraging progress has been made. The number of planning boards is greater and the activity of local boards has increased. At the beginning of the year there were 36 active boards. There are now 47, and it is reported as probable that 11 more will be appointed soon.

On October 19 the annual conference of planning boards, called by the Governor on behalf of this Department and the Massachusetts Federation of Planning Boards, was held in Winchester. The conference was well attended and proved a great stimulus to activity.²

The Department has worked in co-operation with the Federation of Planning Boards as much as possible, and has been called upon by various planning boards for advice and suggestions. Several cities and towns where town planning is being taken up as a new study have asked for information and aid in drawing up ordinances, methods of procedure in establishing new boards, and programs of activity for the new boards when established. The Department has not been in a position to seek opportunities for service. It has tried to meet problems as they came up and to satisfy persons seeking information. It should be doing an active educational work. When a planning

¹ Proceedings of the Second National Conference on City Planning, 1910.

² For Conference Proceedings see Appendix A.

board desires to convince its community of the value of its work it should receive help and encouragement from the State. We should have a field agent who could help interested groups to convince their fellow citizens of the need for town planning, — an agent who could be of expert assistance to boards who desire to make progress.

Much has been done this year. Much more should be done in the future to make this Division function as it ought to function.

While an ordinance or by-law is not necessary to the establishment of a planning board, many cities and towns favor this method of procedure, and in response to repeated requests for a model form of ordinance the Department is printing in this report as Appendix B a form for cities and another for towns which will serve as a basis for local laws.

The following table shows the present status of planning boards in Massachusetts cities and towns:—

| Active Boards. | | Boards never appointed, Inactive or Non-existent. | Places reported to be considering Establishment of a Planning Board. |
|-------------------------|------------------------|---------------------------------------------------|----------------------------------------------------------------------|
| Amherst. ¹ | Natick. | Amesbury. | Adams. |
| Arlington. | Newton. | Beverly. | Bedford. ¹ |
| Attleboro. | North Adams. | Chicopee. | Belmont. |
| Boston. | Northampton. | Danvers. | Chelsea. |
| Braintree. | Norwood. | Gloucester. | Hingham. ¹ |
| Brockton. | Plymouth. | Lowell. | Lynn. |
| Brookline. | Quincy. | Marlborough. | Milford. |
| Cambridge. | Reading. ¹ | Medford. | Needham. ¹ |
| Clinton. | Sharon. ¹ | Methuen. | Northbridge. |
| Dedham. | Somerville. | New Bedford. | Saugus. |
| Easthampton. | Southbridge. | Peabody. | Wellesley ¹ — 11. |
| Everett. | Springfield. | Pittsfield. | |
| Fall River. | Stoneham. ¹ | Revere. | |
| Fitchburg. | Taunton. | Salem. | |
| Framingham. | Wakefield. | Webster. | |
| Gardner. | Walpole. ¹ | Weymouth. | |
| Greenfield. | Waltham. | Woburn — 17. | |
| Haverhill. | Watertown. | | |
| Holyoke. | Westfield. | | |
| Lawrence. | West Springfield. | | |
| Leominster. | Winchester. | | |
| Lexington. ¹ | Winthrop. | | |
| Malden. | Worcester — 47. | | |
| Melrose. | | | |

¹ Towns under 10,000 population.

REPORTS OF PLANNING BOARDS.

Adams.

Word comes from the board of selectmen that the Adams planning board will be revived soon. A board was in existence until the war, but has lately been inactive.

Amherst.

Amherst reports that the board's recommendations for re-naming certain streets, for deferring action on plans for a soldier memorial, and for the establishment of certain building lines were all adopted by the town meeting last March. The board has now under consideration the following:—

The establishment of additional building lines.

Action regarding a central waiting station.

Action limiting the construction of "three-decker" tenements.

Arlington.

Instructed by the town meeting to present a report at the next annual meeting, the board has made a study of the question of a playground in the Brattle Street district. Study has also been made of the following problems:—

Billboard regulation.

Zoning districts for different types of buildings.

New thoroughfares connecting Irving Street and Appleton Place.

Extension of Massachusetts Avenue building lines.

Improvements at junction of Massachusetts Avenue and Broadway.

An outdoor swimming pool.

Attleboro.

The recommendations for the year cover four main subjects:—

Zoning: A survey and maps should be made preparatory to establishing a zoning ordinance. Report made by Mr. Comey.

Improvements:

Widening of South Main Street.

Centrally located comfort station.

Billboards: Regulations were submitted by the planning board for adoption. Petitions have been made for the prohibition of certain billboards.

Board of survey: Appointment urged.

Bedford.

Bedford is considering the establishment of a planning board at its next town meeting in March.

Belmont.

The question of election of a planning board will be brought up at the annual town meeting this year. The establishment of a board is anticipated.

Boston.

Of first importance in the year's work has been the study devoted to the zoning problem. A comprehensive plan should be made under expert advice, this plan to include: —

Billboard regulation.

Zoning.

Major street plan.

Proper parking facilities in the down-town districts.

The development of port, harbor and railroad facilities.

Municipally owned buildings.

Recreation facilities.

Regional plan.

Topographic survey.

By direction of the mayor a survey and report was made of municipal improvements under way or proposed in the ten largest cities in the United States, as well as the activities contemplated by a number of the smaller municipalities.

The board was called upon by the city council to furnish it with a list and synopsis of the various investigations and reports which have been made in the past twenty or thirty years in connection with the commercial, maritime and industrial development of Boston. This study is under way.

Study was made and reports submitted on the following problems: —

Brighton-Allston municipal buildings: Separate buildings needed for Brighton and Allston. Recommended that the present library building at Brighton be demolished and a new municipal building be erected at this location.

Rearrangement of Copley Square: Plan prepared by chairman to add to convenience of wheeled traffic and safety of pedestrians.

- Old Fairmount Reservoir property: Recommended that city retain its ownership.
- Stuart Street Extension: First step toward a western artery to Boston central district.
- Baldwin Place Extension: A North End development recommended.
- Arcading Washington Street: Recommendation against development.
- Morton and Canterbury Streets improvement: Report favoring continuation of the arborway across the westerly corner of Franklin Park to Morton Street.
- Traffic Tunnel to East Boston: Against tunnel and for surface highway improvements.
- Washington Street widening: In favor of a plan for the establishment of a new building line on the westerly side of Washington Street between Bromfield and School streets.

Other matters were: —

- Conferences with Mr. Arthur A. Shurtleff regarding the main thoroughfares in Boston leading to and connecting with Newton highways.
- Consideration of a report dealing with the problem of securing adequate terminal facilities for handling the wholesale produce business in Boston.
- Consideration of a proposal to establish ferry service between South Boston and East Boston.
- Conferences to consider providing a direct highway from the South Station to the Back Bay by means of electrification of the railroads.
- Consideration of report on a comprehensive rapid transit system for the Dorchester district.

Braintree.

The planning board, elected at the 1921 town meeting, has made a start in town planning work. Among the problems studied were the extension of the State highway from the Braintree line along Willard Street, West Quincy, to Furnace Brook Parkway, and the question of the location of the dry dock near the Quincy boundary at Hayward's Creek.

The board recommends that the town investigate the advisability of accepting the Board of Survey Act, and that, pending action thereon, the town allow approval by the planning board of plans for proposed streets.

Brockton.

The report contains a comprehensive study of Brockton's street planning needs. The board co-operated with the Chamber of Commerce in discussing planning and development of north and south thoroughfares, with a view to expediting deliveries to the industrial or manufacturing districts and relieving the through traffic on Main Street. The system of thoroughfares has not developed to keep pace with the growth of the city. More traffic routes are needed from north to south through the center of the city. Streets should be classified and developed as to their needs, as follows: —

1. Main arterial thoroughfares.
2. Secondary thoroughfares.
3. Residential streets.

An appropriation is recommended to allow the board to make the necessary surveys, studies and plans, with estimates of the cost of these improvements.

Brookline.

The most important part of the year's work is the preparation of a zoning by-law and map to be submitted to the town meeting for action.

Cambridge.

As a part of its report the Cambridge planning board has submitted a report on the subject of metropolitan transit as it concerns Cambridge and closely related sections. This report, made by Mr. Comey, is supplemented by maps, and in brief covers the following points: —

Need of speedy access to and from the central business area (one means of preventing tenement slums). With an efficient rapid transit system the population will spread over a larger area.

Steam railroads unsuited for heavy local traffic.

Solution: Electrification of steam railroads for local traffic.

Difficulties:

1. Cost.
2. Loss in revenue due to increased service through transfers with no increase in fare, such increase being deemed out of the question.
3. Community probably has not as yet sufficient population to make it pay.

While it may be necessary to carry out plans in piecemeal fashion, the comprehensive plan should be made in advance of the actual development so that each portion as built may fit into the rest. To achieve this some permanent body should be charged with the preparation of such a plan and its development.

Detailed suggestions for effecting an improved transit system for Cambridge and neighboring communities follow in the report.

In addition to this report the Cambridge planning board has made a comprehensive study of zoning, and a zoning ordinance is in process.

Chelsea.

Chelsea, where a board was appointed in 1914 which completed one year's work and made one annual report, is again considering the appointment of a planning board. We hope next year there will be an active board in Chelsea.

Clinton.

The board reports the following accomplishments:—

Co-operation of private owners in establishing building lines secured.

Conferences with the board of road commissioners and the superintendent of streets relative to the widening of Pine and Woodlawn streets.

Full attendance of the board at the Conference of Massachusetts Planning Boards at Winchester.

Co-operation with the local board of health in securing the services of an expert to study the mosquito nuisance in Clinton and recommend a possible remedy.

Improvement of town bath-houses brought about with the help of other boards and organizations.

Recommendations:

Improvement of traffic conditions.

Appropriation to secure more street signs.

Appropriation to allow for the employment of George B. Ford to draw up a comprehensive plan and zoning system.

Dedham.

Two important recommendations were made:—

Establishing of building lines: Examples of bad corners which could have been avoided by setbacks have been photographed and made a part of the report.

Regulation of new real estate developments by the establishment of a board of survey.

A report was made on the collection of ashes. No change in the present system is recommended at this time.

At the request of the Dedham civic committee a study was made of a proposed playground site. This was reported on favorably.

Further improvement of swamp lands is advised.

One public conference on town planning was held at which Arthur A. Shurtleff was the speaker.

Easthampton.

The board was created at the 1921 annual town meeting, at which time the following problems were referred to the board for report: —

Selection of a site for an athletic field: Two sites were offered for consideration.

Garbage collection: The suggestion is made that the town start the collection of garbage in two thickly settled sections as a trial, the board of health to have power to formulate rules and to advertise for bids.

The board has co-operated with the school committee in the development of a plan for additional school facilities.

The question of widening of thoroughfares should receive early consideration.

Everett.

Everett reports action along the following lines: —

Comprehensive plan: A landscape architect has been employed to make a survey of the city preparatory to the drawing up of a comprehensive plan. The co-operation of the board of survey and the park and playground commission has been enlisted with promising results.

Public education: The board has arranged lectures on city planning in an attempt to interest citizens in the work of the board.

Band concerts: A series of very successful band concerts were held under the direction of the planning board.

Recommendations: Many recommendations have been made during the year for street widenings, sidewalk grading and plotting in all sections of the city.

Fall River.

No formal report ready. The survey of the city is completed and the report to the mayor in preparation.

Fitchburg.

The Fitchburg planning board has been combined with the board of survey.

Framingham.

The board reports: —

Co-operation with the board of selectmen, the board of public works, and the finance committee on several matters, among them the question of elimination of the dangerous corner at Buckminster Square.

Acceptance and layout of Lake View Avenue recommended.

Completion of the stone fountain in Nobscot Square.

Recommendation that the fire station in Nobscot Square be repaired or removed.

Other recommendations for the following projects were also made:

A town forest.

Improvement of McGrath Square.

Extension of Grant Street.

Laying out of Fay Street.

Widening of Arlington Street.

Restriction of billboards.

Acceptance of chapter 82, section 37, of the General Laws. (Building lines.)

A zoning plan.

Extension of water and sewer systems.

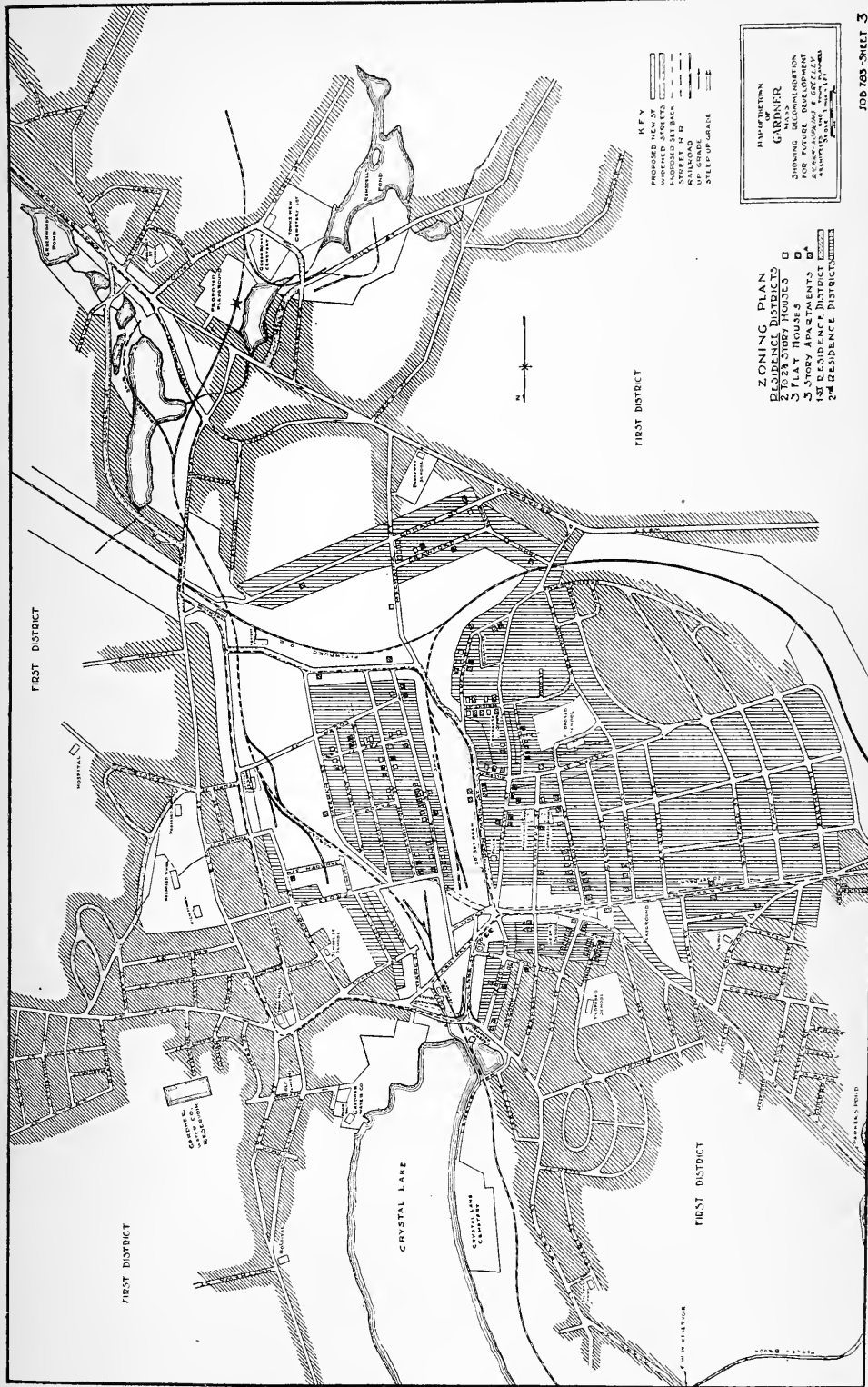
Attendance of members at State Conference of Planning Boards and the National Conference on City Planning was reported.

Gardner.

The report submitted is a comprehensive town plan prepared by the planning board with the help of Kilham, Hopkins & Greeley, architects and town planners, consultants. A building law which includes a zoning plan is a part of the report.

Greenfield.

A planning board has been established in Greenfield, the members of the park commission having been elected to serve as a planning board. No report has yet been filed with this Department.



Gardner. — Zoning Plan for Residence Districts.

Haverhill.

The following is a brief synopsis of the board's report: —

Follow-up system recommended in connection with clean-up campaigns carried on by the board of health.

One permanent street improvement.

Removal of one objectionable billboard.

More co-operation between the city council and the planning board.

Attendance of two members of the planning board, the mayor and one alderman at the Winchester Conference.

Recommendations:

Two street improvements.

Change in street names to eliminate duplication.

Acceptance of the tenement house act and the zoning law.

Hingham.

Hingham is one of the towns under 10,000 considering the establishment of a planning board. Interested citizens are studying the question and are working to gain the support of their fellow townsmen.

Holyoke.

The attention of the board has been focussed on the question of zoning. Public sentiment has been aroused and educational work is being carried on to further this movement.

Lawrence.

The planning board in Lawrence has been inactive for several years. It has now been reorganized and has already proved itself interested and active in city planning work.

Leominster.

The board reports accomplishments as follows: —

Approval of real estate developments.

Approval of acceptance of two new streets.

Refusal to accept Boyle Place as a public street. Matter referred to mayor and superintendent of streets.

Request to city council that a local ordinance be passed to regulate outdoor advertising.

Recommendation for beautification by the city forester of plots of land at the intersection of certain streets by the planting of trees and perhaps low shrubbery. One improvement in particular is suggested.

Recommendation that street names be changed to avoid confusion caused by too great similarity.

Lexington.

Three of the most important problems studied and reported on this year were the town center, building lines and playground and schoolhouse sites.

A town center, planned as a setting for Lexington Common, with adequate approaching thoroughfares and suitable public buildings, should be developed and maintained. Suggestions are made as to details by the board.

Building lines on all main thoroughfares have been recommended to the selectmen by the board.

The policy should be adopted of establishing local grade school buildings with playgrounds where needed.

Lynn.

Lynn is working for the appointment of a planning board, and we hope next year will send a report from an active planning board.

Malden.

The planning board of Malden reports as follows: —

The recommendation made by the planning board and backed by many societies and individuals that the county commissioners locate their proposed new court house within the area recommended in the 1920 report of the planning board, for a civic center, was disregarded. The new site is on one of the principal residential streets, and is considered too small for requirements.

A request was made by the city council that the board investigate and report on the advisability of establishing zoning regulations. The board had already recommended action in this field, and now urges an appropriation for carrying out the work.

Certain street extensions were recommended, and also a change of names of streets having the same or similar names to avoid the confusion now existing.

More street signs and relocation of others is urged.

Construction of granolithic sidewalks on residential streets is again recommended.

Malden River improvement was studied and suggestions reported.

A very successful public exhibition on town planning was held at the public library in March.

Melrose.

Sign boards and warning signs for certain places, and white-line markings wherever possible, are urged that safety and convenience of traffic may be increased.

Restriction of billboards through amendment of the building ordinance is recommended, and the proposed amendment is made a part of the report.

A zoning plan is in progress, to be reported on later.

Milford.

There is an article in the town warrant considering the establishment of a planning board. Next year we hope to have a report from an active board in Milford.

Millbury.

A few citizens in Millbury are interested in town planning, and are trying to arouse public sentiment for a town planning board.

Natick.

Attendance at the annual conference of planning boards at Winchester is reported, and also attendance of board members at State House hearings.

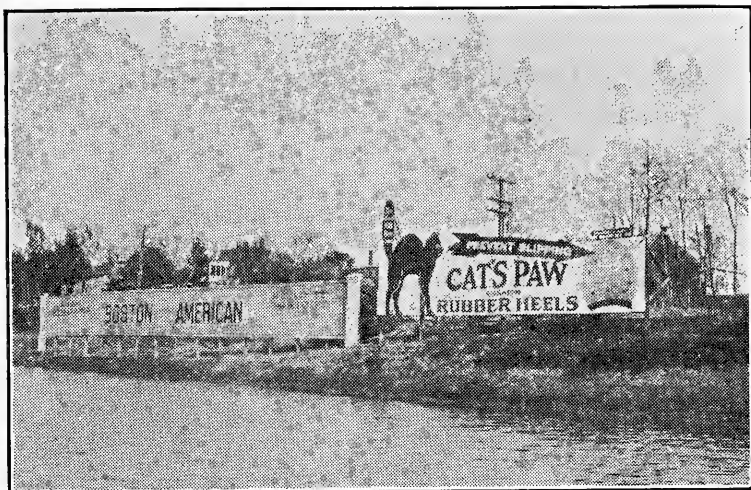
Inadequacy of the water supply in the center of the town, in the case of an extensive fire, is called to the attention of the townspeople, and replacement of 6-inch cement-lined pipe on South Avenue with a 10-inch cast-iron main is again recommended. A sufficient appropriation for installing this pipe and additional hydrants should be made.

The billboard problem has been studied and a by-law to regulate billboards is to be presented for approval.

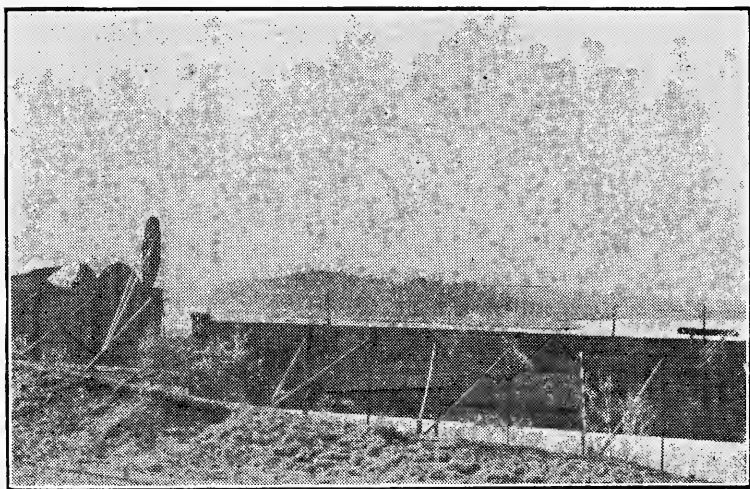
Acceptance of the State law regulating the production of smoke by factories is recommended.

A complete map of the town, to be made by the board of public works, is urged.

Proposed street extensions, reported to the planning board for approval, were reported on, and also the question of a



View of homes on Natick's most beautiful street from Lake Cochituate.



View of Natick's most beautiful lake from the same homes on West Central Street.

suitable site for storage yards and buildings for the Department of public works.

As directed by vote of the town in 1921, the planning board has continued excavating and grading the bed of Pegan Brook eastward from Cottage Street, as far as the appropriation made for the purpose would allow. Continuation of the work and an additional appropriation is desirable.

The planning board have served on a committee to prepare building regulations for the town.

Needham.

In Needham a committee has been appointed to study town planning, and will report to the annual town meeting on the advisability of establishing a board.

Newton.

An excellent report covering a three-year period was submitted by the Newton planning board in September. At the close of the war the city government granted to the planning board authority to employ experts who should make a comprehensive city plan for Newton. Reports of these men, Arthur A. Shurtleff of Boston, city planner, and John P. Fox of New York, zoning expert, are included in the report. The report is well illustrated with photographs, charts and maps.

North Adams.

The board resigned last spring after making a very excellent report of its first year's work. Since then the city council has passed ordinances recognizing the planning board as a department of the city. A new board has now been appointed.

Northampton.

The following recommendations were made to the city government:—

Construction of sidewalk on Locust Street.

An appropriation of \$1,500 for the planting of trees.

Certain recommendations for improvements were called to the attention of the board of public works. These were well received, and at least two of the suggestions have already been acted upon.

Norwood.

The board asked for an appropriation of \$1,000 and received \$100, which necessitated postponing the work on zoning which was contemplated. However, a new request has been made for next year for funds sufficient to start, at least, on a zoning plan.

Recommendations were also made for the setting apart of a memorial square in the center of the town, with provision that sufficient land be taken to provide for an adequate site for a municipal building whenever the town shall be able to go ahead with its construction.

Plans were considered for proposed parks and parkways.

Plymouth.

No report.

Quincy.

The board reports activity in many fields.

Work completed:

Passing upon sites for the various memorial signs in squares.

Completion of Willard Street improvement by the State.

Building lines recommended by the board have been accepted on four streets.

Map of the business portion of the city completed.

Plan for industrial zoning within the city worked out.

Planting of 2,000 additional white pines. Protection of these is urged.

Plans of Pilgrim Parkway modified to present to the Legislature.

Recommendations:

Local restriction of billboards.

Need of new public buildings is urged.

New developments of large tracts by private owners are under way.

A district conference on city planning is in contemplation.

Reading.

A joint meeting with the Wakefield planning board was held to discuss the subject of diversion of traffic from the public squares of both towns. This was followed by later study.

The problem of interesting the cities and towns lying between

Lowell and Lawrence and Boston, through which traffic roads lie, was taken up with the various planning boards, in an effort to see whether concerted action could not be taken to interest the Commonwealth in the establishment of a regular traffic road between Boston, Lawrence and Lowell, so as to divert traffic from the public streets and squares of these communities. This subject is still under consideration.

The act authorizing the establishment of building lines was accepted by the town at its last meeting.

Billboard regulation was also studied.

Saugus.

Saugus is a town which should have a planning board, as it comes within the scope of the town planning law. As yet no board has been appointed, but we understand that a movement is on foot, backed by public-spirited citizens, which will bring the planning board into action.

Sharon.

A new board has been appointed in Sharon this year.

Somerville.

The report covered the following subjects: —

Fire protection: Fire districts recommended.

Public parks and playgrounds.

Street widening.

Survey of the city.

Billboards.

Zoning: Drafting of a zoning ordinance recommended.

Southbridge.

The board was organized this year, and committees have been appointed to make definite recommendations for the activity of this board in the future, these committees to report at the coming town meeting.

Springfield.

The board was appointed in April, 1921, and soon after an appropriation was granted of \$21,000.

The board engaged the Technical Advisory Corporation of New York and Olmsted Brothers of Brookline to prepare a comprehensive plan of the city with accompanying reports. Three fundamental factors were to be stressed: housing for residential, industrial or commercial uses, — zoning; intercity transport, — streets, highways and vehicular traffic; railway service.

Stoneham.

Co-operation with the board of selectmen and the police department is reported in the securing of safety signs to prevent automobile accidents, and in the removal of certain objectionable billboards.

Taunton.

Attendance at State and national conferences is reported, also at hearings on town planning matters at the State House and City Hall.

Important subjects considered during the year included —

Placing wires underground at center of city.

Establishment of building lines.

Improvement of streets.

Development of new residence streets.

Regulation of outdoor advertising.

Plans for zoning of city.

Traffic regulation by permanent or movable traffic posts.

Recommendations:

Acceptance of board of survey act, General Laws, chapter 41, sections 73 to 81.

Adoption of zoning plan. Public lecture given to further this movement.

Wakefield.

Study of local conditions has been continued, but no formal report made.

Walpole.

New board was appointed in October. Preliminary plans for new work are under way.

Waltham.

The planning board and the board of survey have recently been combined in Waltham, and it is the feeling that the board must be enlarged to include some one experienced in city planning before the planning activities can be undertaken.

Watertown.

In accordance with the vote taken at the annual meeting of the town the board secured the services of John Nolen to report on the selection of a new town hall site. His report is made a part of the report of the board, and includes a survey and recommendations.

The construction of a town hall should be the first step in the adoption of a comprehensive town plan which will solve the problems of streets, zoning, playgrounds and parks, housing, etc.

Plans for the development of the grounds in connection with the Watertown High School and the Hosmer School, and for the laying out of Saltonstall Park, were also worked out by Mr. Nolen.

More adequate street signs at intersections of through streets are recommended.

Wellesley.

At the request of the Wellesley Village Improvement Association an article was introduced into the warrant for the town meeting providing for the establishment of a town planning board in Wellesley. It is expected that the board will be elected at the March meeting, and will commence operations immediately thereafter.

Westfield.

The first meeting of the year was in response to a request from the city council to meet a committee of the council to discuss the advisability of inserting a section on building lines in the building code.

Five meetings were held with the children's playground committee. The various school grounds were visited and the amusement needs of the children in each location discussed. A joint recommendation of desirable amusement requirements was submitted to the council. One plot recommended has already been taken.

Other matters receiving attention were: —

Billboard regulation.

Street extension.

Renumbering of houses and renaming of streets to prevent duplication.

West Springfield.

The committee appointed to consider the problem of a comprehensive town plan to include a zoning plan have decided in favor of having this work done.

Winchester.

In addition to regular meetings, hearings and conferences in Winchester and at the State House have been attended by the board members.

The question of billboard regulation occupied much attention. The board is in favor of restriction, and urges active public sentiment against letting land for advertising purposes in Winchester.

Included in the planning board's report is a report of the committee to recommend a policy to be followed in the laying out and acceptance of private ways, and in this connection to study the working out of the betterment act in other places. Acceptance of the betterment act is recommended, and also the adoption of specific regulations to cover the physical construction of all public ways.

It is recommended, in order to secure the more general establishment of building lines, that it become the rule that no private way, either old or new, shall be accepted by the town without the establishment of proper building lines thereon at the same time.

A map preparatory to a zoning study has been completed, and an appropriation is recommended to enable the planning board to have a comprehensive survey made of the town.

Co-operation with the committee on schoolhouse building program and the cemetery committee is reported.

Winthrop.

Inadequacy of street widths in Winthrop is emphasized in the report of the planning board. General widening is impossible at present, but certain streets which are principal arteries

¹ Tract of land of seven acres was purchased on which it was planned to build about forty houses.

APPENDICES

APPENDIX A.

CONFERENCE PROCEEDINGS.

The eighth annual conference of Massachusetts planning boards, called by the Governor of the Commonwealth on behalf of the Department of Public Welfare and the Massachusetts Federation of Planning Boards, met at Winchester, Mass., Oct. 19, 1921.

Flavel Shurtleff, secretary of the National Conference on City Planning, and a former member of the Winchester planning board, greeted the delegates on their arrival in Winchester, and outlined briefly the tour of inspection of Winchester's town planning achievements which had been arranged. His story was a succession of triumphs for the planning board and the public-spirited citizens of Winchester whose far-sightedness has made possible such a well-planned and beautiful town. Eleven years ago a comprehensive town plan had been accepted, details of which are being worked out from time to time as they prove practicable. While the reservoir was the realized dream of one far-sighted man, and the beautiful Mystic Valley Parkway was built through the agency of the Metropolitan District Commission, the achievements were all within the realm of town planning, and the case for civic planning and foresight was well proved. Starting from the town center the automobile route passed a large playground which had replaced an unsightly railroad yard and tannery, crossed a reclaimed stream, followed the shore of the Mystic Lakes along the metropolitan parkway, then wound back through a portion of the residential section of the town and around a metropolitan reservation of wild land, within the borders of which is the town water supply. Descending again, the road led through the industrial portion of the town back to the center, then out into the farming section, until the tour ended at the Winchester Country Club, where luncheon preceded the business session of the conference.

The conference was opened by Preston Pond, chairman of the Federation of Planning Boards, who introduced Howard S. Chidley, D.D., of Winchester. Dr. Chidley's theme was "The

Community and the Citizen," and he urged upon all citizens loyalty to their local communities, emphasizing the fact that without personal devotion to civic ideals on the part of all citizens the civic foresight of the few cannot succeed.

Mr. Pond then introduced B. Loring Young, Speaker of the House of Representatives, and representative of the Governor in his absence.

MR. YOUNG. I am sure you all regret that the Governor is unable to be with us to-day, but he has asked me to come here to convey to this conference of city and town planning boards his very best wishes for the continued development and success of city and town planning.

Despite the progress that has been made in the eight years that have elapsed since the planning boards were first established, I have learned that a very large number of people in the community still have not as clear an idea of town planning as we would wish. There still is in the community an idea that town planning is a luxury, and that it deals merely with the esthetic side of life. On the contrary, I think that you and every one in your town who has studied the work of the planning board should make clear to the people that town planning is merely the application of sound, definite principles to the future development and growth of the town. It takes into consideration not merely esthetic problems, but interests itself in the supply of water, disposal of sewage, in all public utilities such as transportation, gas and electricity, and in adequate and sanitary housing conditions for all the people. The planning boards attempt to bring about a practical distribution of parks, school buildings, fire and police stations. If town planning had been followed out by our forefathers in Boston, it would never have left us such places as Court Street and Adams Square, with their problems of traffic congestion.

Mr. Young then outlined the history of billboard legislation in Massachusetts to date and closed with the following:—

I believe personally that the time has come for the State itself to take a greater interest in town planning. The State, through its Department of Public Health, assists the health department of local cities and towns. The State, through its Division of Accounting, makes certain regulations relative to borrowing money and the auditing of municipal accounts. There is no reason why, in the matter of town planning, which affects every citizen of the

Commonwealth, the boards should not receive more moral encouragement and assistance than has been given up to date. I am sure you are all going to give Mr. Conant that hearty support and co-operation which he will need during the coming year in order that plans can be made, and perhaps a field secretary could be hired so that the citizens and town officials can learn from the State Department what is going on in other cities and towns. You can then feel that the Commonwealth of Massachusetts has put its stamp of approval on town planning, and will stand back of every progressive step that can be taken in every city and town.

MR. CONANT. Speaker Young has urged you to co-operate with us in developing town planning. I am sure his own encouragement is of the greatest weight, and will perhaps have more effect in the long run than the efforts of all the rest of us.

The Department of Public Welfare is, as you know, much overburdened with the care of dependent and delinquent children and adults. We spend nearly \$4,000,000 a year in remedial work. With the care of 7,000 minor wards, the care of widows (mothers' aid), the care of 3,000 delinquent children in three training schools, and with the Massachusetts Hospital School and the State Infirmary and various other forms of remedial work I have not had much time to devote to this question of housing and town planning.

The first Board of State Charities in 1863 saw the need of this Division of Housing and Town Planning. They laid down as the first principles of public charity that if we invest \$1 in preventing an evil the correction of which costs 10 cents per year, we have saved 4 cents on that dollar. The dollars have not come easily enough. We have not been wise enough to spend the money in preventive work, and we have been obliged, as a consequence of our crowded cities and bad housing, to spend it to correct evils which have resulted. That Board laid down as the foremost measure of social reform the "improvement of dwellings, the encouragement of ownership of homesteads, and the cleaning up of every street, lane and yard which the public arm could reach."

Of course the State can do only supervisory work. It is much better that the active work be done by your local boards; that it be carried on with the genuine interest which has been displayed in this meeting and in the reports which you have made to our Department; and that we have a field secretary who will be

expert and tactful enough to help you with suggestions and work with you in whatever plan you may be undertaking.

This seems to me to be a very good time to call the attention of your city governments to your plans. Many cities, planning against a possible hard winter, have created committees on unemployment, — committees to promote work. It would be advisable to call the attention of your city governments to the useful work which you have planned, and to have appointed upon each of these local committees a member of your local planning board. Some cities have already used the work planned by planning boards. For instance, in Boston the Stuart Street extension is to be undertaken, and the work which has been suggested in regard to an aviation landing field is being considered.

You have demonstrated in this Federation of Planning Boards the success of your combined State-wide work, and it is now time for the State, through a Division of Housing and Town Planning, to undertake this excellent work publicly.

Mr. Harlan P. Kelsey of Salem acted as chairman during the discussion end of the program, introducing, first, Mr. Lincoln Bryant, who gave practical suggestions for the further regulation of billboards. He said, in part: —

While we cannot prohibit billboards, specific regulations can be made, and for good reasons certain billboards which do not comply with the regulations can be eliminated. What reasonable regulations should be put into effect? We have no Mohawk Trail (where all billboard advertising is to be excluded) in Milton, and there is no Mohawk Trail in Winchester, but we all have places in our towns which are absolutely not intended for advertising signs, — places where advertising signs will detract from the appearance of the surrounding territory. Now if some one will draw up reasonable regulations upon which the Division of Highways can stand, and which they reasonably can pass, we shall accomplish some of the things for which we are looking. We need to decide what is the true distinction to make in a town, whether it should be that the residential part of the town shall not contain any billboards, but only the business part, or what other distinctions should be made. These regulations are to be made by the Division of Highways, and they are now watching the objections which have been filed in the various towns until they can get some general policy which will apply through the

State. There is a chance for constructive thought along these lines, — for exactly the kind of thought which we expect from the Massachusetts Federation of Planning Boards.

Mr. James A. Bailey of the Metropolitan District Commission called attention to the similarity of aim of his commission to that of the planning boards, and told of the need of expert advice when public works were to be undertaken.

Transaction of Business.

The chairman of the Federation, Preston Pond of Winchester, opened the business session. One hundred and seventy-four members were present, representing thirty-four planning boards and organizations with allied interests. The secretary reported on four new planning boards, publication of three bulletins, progress in zoning and regulation of billboards, action in fields of allied interest, and activities of the executive board's members in holding local meetings. From these meetings it is proven that many similar meetings should be held, and it is probably our one most important work this year to secure an appropriation sufficient to put a field secretary, on part time at least, in the Department of Public Welfare. The report was filed.

The following resolve was carried unanimously:

Resolved, That the Massachusetts Federation of Planning Boards urge an appropriation for the Division of Housing and Town Planning for a field secretary who will, among other things, promote proper housing and city and town planning throughout the State.

The treasurer reported: —

| | | |
|--------------------------------------------------------|----------|----------|
| Balance on hand at beginning of year | \$122 20 | |
| Receipts from twenty-six planning boards | 270 00 | |
| Paid during year | | \$366 71 |
| Balance on hand at end of year (with all bills paid) . | | 25 49 |
| | <hr/> | <hr/> |
| | \$392 20 | \$392 20 |

Practically the entire amount paid out was for printing, chiefly bulletins, and postage. The treasurer urged that each board contribute \$10 during the coming year. The report was filed.

The nominating committee previously appointed by the chairman, consisting of Charles M. Baker of Framingham, chairman,

Wm. Roger Greeley of Lexington, and John B. O'Toole of Clinton, reported the following nominations for officers: —

Chairman, Horace B. Gale, Natick.

Vice-Chairman, George C. Gardner, Springfield.

Secretary, Arthur C. Comey, Cambridge.

Treasurer, Joseph Finberg, Attleboro.

Member of executive board for three years, Preston Pond, Winchester.

Voted, That the secretary be directed to cast one ballot for the officers as a whole.

The secretary cast the ballot and the officers were declared elected. Mr. Gale then took the chair.

The following motion of Mr. Seamans of Salem, as amended from the floor and accepted by him, was passed almost unanimously: —

Voted, That the legislation committee of the Massachusetts Federation of Planning Boards be requested to consider drafting a bill giving planning boards in Massachusetts such authority and power as may seem wise or advisable, and to consider whether such a bill should be introduced in the next Legislature.

On motion of Mr. Willett it was voted that the Winchester Planning Board, other officials and citizens of Winchester, and Mr. Preston Pond, the host of the meeting, in particular, be extended a hearty vote of appreciation for their excellent arrangements which contributed so much to the success of the meeting.

Reports from Planning Boards.

Arlington (Howard B. S. Prescott, Chairman). — We have a board of survey and park commissioners who have very tender feelings, which we are trying not to hurt. We are trying to carry out some of the plans that have been outlined here, and we have some special work in our own town. Considering local problems and making recommendations is about all we have done so far.

Attleboro (Joseph Finberg, Chairman). — The city of Attleboro can congratulate itself upon having a mayor and a city council who are working with the planning board always. We have done considerable work this year. We have laid out, at a cost of \$20,000, a parking place right in the centre of the city where we

can park forty automobiles. We have recommended that two streets be repaired, one a main thoroughfare and the other the street on which the high school is located. This work is to be done. Two wooden bridges have been replaced with cement through the recommendation of the planning board. The railroad embankments have been repaired. Now our greatest work is the establishment of a zoning system, and I think this will be done in 1922.

Boston (Elisabeth M. Herlihy, Secretary). — One accomplishment that stands out during the past year is the Stuart Street extension. That plan was first made in 1915, and we have been working on the project ever since. At the same time we made plans for the Cambridge and Court Street widening and the extension of Causeway Street. We have considered parks, playgrounds, public buildings and varied street widenings. Boston is limited because its appropriations are regulated by the Legislature, and I often think that the members of the Legislature must have served in the last war, and they are still using that slogan "They shall not pass" when it comes to passing bills granting money.

We sent a questionnaire to different city officials asking what improvements were in contemplation. We were surprised at the replies which were received. They spoke of large expenditures in building bridges, public buildings, etc., until it reached a point where I asked, "Where does Boston fit?" However, when we had Boston's figures compiled it was by no means at the foot of the list, and I think what Boston has accomplished compares very favorably with what has been done in other cities.

There is another question which we approach with fear and trembling every year, and that is the matter of annexation to Boston of surrounding cities and towns. We hope to live long enough to see this accomplished.

Brockton (Mrs. Rosella S. Rogers, Secretary). — A year ago the city of Brockton adopted the zoning plan that was recommended by the planning board, and our efforts have been largely directed toward straightening out the problems connected with the passing of this plan.

Brookline. — Mr. Comey reported for Brookline the completion of the zoning plan.

Cambridge (Joseph A. Authier, Member of Planning Board). I am a new member of the board, and as I am the only member here at the present time will say what few words I can. We have

an appropriation of \$4,000. At the last meeting we held we engaged a gentleman to hold public meetings throughout the city to educate the people in regard to the zoning system.

Clinton (Edward W. Breed, Chairman). — We have cleaned out what was formerly a dump and made a small park, where we have placed benches. This park is near a bathing beach. We have also fitted out a Memorial Park in memory of the Clinton men who served in the late war. We have had some of the street corners rounded to gain greater safety. Bath-houses were erected for the benefit of the citizens, and are now being successfully used for community service. The matter which interests us most at the present time is the question of zoning. As an entering wedge we co-operated with the Chamber of Commerce in giving a dinner to which Mr. George Ford of New York was invited. As he was a Clinton boy we felt highly honored, and he gave us some very practical ideas regarding the possibilities of working out a zoning system. Mr. Ford is with us to-day, and I hope he will have a chance to speak.

Fitchburg (Alvah M. Levy, Chairman). — The work of the planning board has been rather quiet during the past year. One thing we have finally accomplished. We have succeeded in getting a board of survey. We recommended this three years ago, but the council did not, at that time, think well of it. The planning board functions will be taken over by the board of survey, so that the planning board will probably cease to exist this year as a separate board. We have also succeeded in having a short connecting street improved by widening. A similar widening has been made on Main Street. Plans were made to erect a building to the memory of those who served in the World War, but this idea was suspended because of the feeling that the school buildings required first attention.

Leominster (Louis A. Jalbert, Chairman). — We do not have monthly meetings of the planning board, but meet when we think it necessary. We have hard work getting the co-operation of the city council. We have passed upon two or three plots of land which were being developed, and in this we have received the co-operation of the mayor.

Natick (George F. Whitney, Secretary). — During the year the planning board has accomplished three things: —

1. The preparing and presenting to the town for acceptance a long section of streets. The section completed last year comprised an area of about 400 acres. This section adjoins that area

which in previous years has been accepted. It is the intention of the board to continue this work.

2. The board has continued its campaign against billboards.

3. The board has carried out some extensive drainage plans which will greatly improve the town.

There is one thing which we have accomplished which we believe is worth while, and that is that all plans for new streets must be submitted to the planning board before they are submitted to the town for approval. We believe the town is well satisfied with the work of the planning board.

Newton (Charles E. Gibson, Chairman). — When we were appointed to our board, we found it necessary to resist several tendencies. One of these was to chafe at the lack of power. We had some rather responsible duties, but no power. Another difficulty was to obtain money. However, we began to realize that part of our job was to educate public opinion to realize the value of city planning. Our work first covered the solution of minor problems, — street widenings and the like, — but these we always tried to work out according to the general plan. We succeeded in making some impression about the value of our work and the kind of work we were attempting to do about two years ago. We were granted a reasonable appropriation with which to begin city planning. We employed Mr. Shurtleff to work out plans which have been included in our report. To assist Mr. Shurtleff we employed Mr. John P. Fox of New York to work out a zoning plan. We are confident now that by the end of the year the zoning system will be in effect in Newton. Our report is just from the press. We hope there will be enough to send to every planning board in the State.

Norwood (George F. Willett, Chairman). — The planning board of Norwood up to a few years ago was a most direct force, but within the last few years, through political interests, the planning board has had little effect. This past year we asked for an appropriation and were given \$100. We are now practically inactive.

Salem (Francis A. Seamans, Salem). — We occupy a rather unique position, as at the present time we are listed as inactive, which is justified, but our average is still pretty good. When the planning board was authorized by the city we had been in session as the city planning commission for over two years, and I believe we were the first city planning commission in Massachusetts. One question which is occupying our attention at the

present time is that of more authority for planning boards. I believe that until the time comes when the planning boards can be given more authority, there will be a lack of interest from year to year. I wish to make a motion that the legislative committee of the Massachusetts Federation of Planning Boards be requested to draft a bill giving planning boards of Massachusetts such authority and power as may seem advisable, and that said bill be introduced in the next session of the Legislature, and every possible effort be made to secure its passage.

Melrose (Robert L. Briggs, Member of Planning Board). — I rise to second the motion that has been made. I am a new member of the planning board. We are very much handicapped by lack of power. We have some plans now which we would like to carry through, but the city does not feel like making any appropriation. I hope that some authority will be given to the planning boards.

Discussion followed. The motion was amended and finally passed in the form quoted above on page 38.

Mr. GREELEY of Lexington. I feel that there are two sides to this question. The authority of the planning board should rest upon the excellence of its ideas. City and town planning is a very new science. We are not sufficiently expert in the science to dictate what shall be done. I believe the solution lies in being obliged to so carefully prepare our ideas that we can sell them to the community. I believe that is the greatest test of our ideas. If a planning board is unable to impress the community with the value of its plans I believe the planning is very doubtful. I believe it is of the greatest value to the planning board to have to sell its ideas. In every sense I believe this matter ought not to be brought into practical politics. Owing to the fact that planning is still in its infancy, the planning board should be aloof from politics. I believe it is a dangerous policy to confer power upon these boards.

Springfield (George C. Gardner, Chairman). — The Springfield planning board was organized the first of April. After organization, our first proceeding was to request from the city council an appropriation of \$1,000. The \$1,000 was granted under a suspension of the rules. After receiving this grant of \$1,000 we asked Mr. Shurtleff to come to Springfield and tell us how much money he thought we needed. He said it was his opinion that we

needed \$15,000. Accordingly, we asked the city council for \$20,000. At the next meeting of the council, under suspension of the rules, they voted to grant us \$20,000. That, I think, has been the achievement of the Springfield planning board to date.

We have, however, engaged the services of an outside corporation to work out just what we are ordered to do, and to make a general survey and recommendations. They are now at work, and last Monday night we presented to the city government for approval a zoning plan. This will probably be acted upon at the next meeting, and we hope it will pass. The proposed plan divides the city into residential and non-residential sections, and forbids, in residential districts, the erection of stores or any commercial buildings except under a permit granted by the city council, the permit being accompanied by the signatures of 75 per cent of the residents of the street on which the proposed commercial building is to be erected.

We have been asked to recommend an athletic field site, which we did not recommend and which was given up. We are to be asked to advise as to another athletic field proposition. We have been asked by the fire department to act for them in selecting a location for a new fire station, and this we now have under consideration. We have been asked to sit next week with the board of public works, the finance board and the park board. That is all we have so far worked out.

Walpole (Austin D. Kilham, Secretary). — Being a newly appointed member I am unable to make a proper report. However, we can promise a little more active work during the coming year.

Winchester (Preston Pond, Chairman). — The work of the Winchester board has been fairly general, but, we think, effective. We have been received here for years with open arms by all the officials of the town, and our assistance and advice have been uniformly sought. We have made some specific improvements this year, but they are laid over from year to year more or less as the result of the constant application to us by the selectmen for advice and suggestions. We sit in with them at all their hearings by invitation. We are by no means satisfied with what we have accomplished, but we feel greatly gratified by the spirit which has been shown by the officials and by the citizens as well.

Mr. FORD. — There is one thing which I wish to say. This meeting which you have held is fully twice as large as any meeting that has been held by any State relative to town planning.

It has been said at different times that here in Massachusetts we talk a lot but do not do anything. On the contrary, when you go through the detailed list of accomplishments published by Mr. Conant's division you cannot help being impressed with the fact that the accomplishments here make a showing that will stack up far ahead of anything that has been accomplished in other States.

APPENDIX B.

AN ORDINANCE CREATING A PLANNING BOARD.

Be it ordained by the city council of the city of *as follows: —*

SECTION 1. The mayor shall immediately upon the passage of this ordinance appoint, subject to confirmation by the city council, a planning board to consist of five¹ members, one to serve for one year, one to serve for two years, one to serve for three years, one to serve for four years and one to serve for five years, and thereafter annually the mayor shall appoint, subject to confirmation by the council, one member of the planning board who shall hold office for the term of five years from the time of his appointment.

SECTION 2. Vacancies occurring in the board shall be filled by appointment by the mayor for the unexpired term, subject to confirmation by the council.

SECTION 3. The duties of such board shall be such as are stated in chapter forty-one, sections seventy to seventy-two, of the General Laws of the commonwealth, and further to consider and advise upon municipal improvements either at the request of other officials of the city or upon its own initiative. The board shall meet at regular intervals. It may also hold public meetings. It shall at all times have access to all public documents or information in the possession of any city official or department. It shall² examine the plans for the exterior of any public building, monument or similar feature, and for the development and treatment of the grounds about the same before the adoption thereof, and may make such recommendations thereon as it may deem needful. It may make investigations and studies relative to new street and park developments. It may provide for public lectures and other educational work in connection with its recommendations. Said board may incur expenses necessary to the carrying on of its work within the amount of its annual appropriations.

¹ The word "five" may be changed to three, seven, nine, etc., as the needs of the city dictate. There is no stated number required by the General Laws.

² For cities having no art commission.

SECTION 4. All plans for laying out, extending, discontinuing or changing the limits of any way, street, public park or square, and every purchase of land for the site of any public building, and all plans for the location, erection or alteration of public buildings, shall be submitted to said board for its opinion at least two weeks in advance of action by the mayor or the city council.

SECTION 5. Such board shall make a report to the city annually, giving information regarding the conditions of the city and any plans or proposals for the development of the city and estimates of the cost thereof. Such report shall be sent to the mayor not later than January fifteenth in each year, and a copy thereof shall be filed with the Massachusetts department of public welfare.

FORM OF BY-LAW FOR TOWNS.

SECTION 1. A board of five¹ members is hereby created and established, to be known as the planning board. At the annual town meeting to be held in the month of there shall be elected one member to serve for one year, one member to serve for two years, one member to serve for three years, one member to serve for four years and one member to serve for five years, and thereafter there shall be elected at the annual meeting in each year one member of such board to serve for the term of five years.

SECTION 2. Vacancies occurring in the board shall be filled until the next annual meeting by appointment by the board of selectmen, and at the annual meeting the vacancy shall be filled by election for the unexpired term.

SECTION 3. The duties of such board shall be such as are stated in chapter forty-one, sections seventy to seventy-two, of the General Laws of the commonwealth, and further to consider and advise upon municipal improvements either at the request of other officials of the town or upon its own initiative. The board shall meet at regular intervals. It may also hold public meetings. It shall at all times have access to all public documents or information in the possession of any town official or department. It shall² examine the plans for the exterior of any public building, monument or similar feature, and for the development and treatment of the grounds about the same before the adoption thereof, and may make such recommendations thereon as it may deem needful. It may make investigations and studies relative

¹ See footnote 1, page 45.

² For towns having no art commission.

to new street and park developments. It may provide for public lectures and other educational work in connection with its recommendations. Said board may incur expenses necessary to the carrying on of its work within the amount of its annual appropriations.

SECTION 4. All plans for laying out, extending, discontinuing or changing the limits of any way, street, public park or square, and every purchase of land for the site of any public building, and all plans for the location, erection or alteration of public buildings, shall be submitted to said board for its opinion at least two weeks in advance of action by the board of selectmen.

SECTION 5. Such board shall make a report to the town annually, giving information regarding the conditions of the town and any plans or proposals for the development of the town and estimates of the cost thereof. Such report shall be sent to the selectmen not later than such time in January in each year as selectmen may prescribe or as may be prescribed by law in force relative to reports, and a copy thereof shall be filed with the Massachusetts department of public welfare.

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

DIVISION OF HOUSING AND TOWN PLANNING

ANNUAL REPORT FOR THE YEAR ENDING
NOVEMBER 30, 1928



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COLL.

The Commonwealth of Massachusetts
DEPARTMENT OF PUBLIC WELFARE
HOUSING AND TOWN PLANNING
RICHARD K. CONANT, *Commissioner*
EDWARD T. HARTMAN, *Visitor to Planning Boards*

ADVISORY BOARD

HON. A. C. RATSHEKY, Boston, *Chairman*.
JEFFREY R. BRACKETT, Boston.
GEORGE CROMPTON, Worcester.
GEORGE H. McCLEAN, Springfield.
MRS. ADA ELIOT SHEFFIELD, Cambridge.
MRS. MARY P. H. SHERBURNE, Brookline.

**REPORT OF THE DIVISION OF HOUSING AND
TOWN PLANNING**

PROGRESS OF THE YEAR

There are 7 new planning boards, in Lynnfield, Nahant, North Attleboro, Westwood, Wilmington, Dennis, and Nantucket, making 107 in all.

Six (6) new zoning laws have been adopted, in Marblehead, Weston, Concord, Saugus, Agawam, and East Longmeadow, making 63 places in which the people live under some form of zoning. These places contain over 82% of the people of the State.

There are but 7 places actually at work preparing zone plans, Natick, Plymouth, Lynnfield, Franklin, Easthampton, Westwood and Lincoln, but 25 additional places have prepared schemes which have failed of adoption because of indifference, the opposition of selfish interests, or politics.

In the meantime encroachments are spreading over the land. All cities and large towns and practically all small towns find home districts being encroached upon in all developed and partially developed areas, and encroachments are spreading along all main traveled ways like malignant tentacles binding the largest centers together.

This applies particularly to the large areas without zoning, but there is much of it in some zoned places, where special interests urge that the tumors of industrialism and commerce must spread, and spread, until all the territory of the state is covered, at least to an extent that leaves no proper home districts. Citizens, politicians—the tools of special interests from both these groups—permit and even aid in spreading these encroachments over ever wider and wider areas.

But a marked reaction is coming to the surface. There is a rapidly developing feeling of uneasiness among all genuine home lovers. More and more the people are seeing that it is not all of life to make a living. They see that to live is as essential, even more important, than to make too much of the means upon which to live.

Strangely enough, just as this sense of awakening comes, just as the people in considerable groups begin to look about for places for homes, they discover that encroachments have left practically no place. How many considerable areas suited to ideal home conditions are there in New

Bedford, or Lawrence, or Chicopee, or Holyoke, or Boston, or even Metropolitan Boston?

Considerable areas are essential. Not enough money can be spent on a lot 50' x 100' to make a fit home, if there is a store on one side, a filling station on the other, a textile plant across the street, and a soap factory in the rear. That one home may be fit, team play among many homes is required. Be it a thousand homes or ten thousand homes working under the best possible form of team play, even then all homes on or near the border may be, generally are, between the devil and the deep sea.

Why is it we have been so long in seeing these things?

Why is it we are willing to surrender life for means with which to live—or make a show?

Where will these tendencies land us if we allow them to continue?

These are some questions the year has brought prominently before us.

HEIGHT ZONING

This subject received comment in the last annual report. But the people have not disposed of the subject. Headlines in newspapers in December, 1928, read:—"Income Rules Height of Buildings", "Find 25 Stories Is Most Efficient Building Height".

As to the first, it is true from the owner's point of view. From the community point of view the question has to be decided by what traffic the streets will carry, or can reasonably be made to carry. There are also the questions of water supply, sewers and fire protection. If an area is developed to the capacity of its streets, its water supply, sewers and fire protection service, it is for the community to say whether it will and can provide these services to an extent of doubling the capacity, or whatever the increase may be.

In down-town Boston the streets have some time since reached a reasonable saturation point. Without sufficient consideration of the matter it has already been decided that another Boston and a half may be superimposed on top of the present one. What will be the result?

A newspaper editorial of December 5, 1928, says that "between 38th and 48th streets (N. Y.), where congestion is the greatest, the half-mile journey frequently consumes half an hour, which is, perhaps, as near to a complete stoppage of traffic as may be attained." This is a wrong assumption. The New York traffic conditions are produced by an average height of buildings of 5 stories for Manhattan Island. When the average height is ten stories this particular stretch of street will consume an hour or more of time. Or, all the streets will have to be widened, which will leave so much less space for buildings that the later condition will be worse than the former.

Whatever the owner of a building thinks, the community knows that if it is to use its streets with comfort and efficiency there must be maintained a relationship between the width of streets and the height of buildings. Special privilege may be given to a few individuals, if that is the way the community desires to work it, but it is fatal to give this privilege to all. All our large cities are facing a day of disillusionment on high land values and high buildings.

ZONING APPEALS

People do not appeal to the courts for permission to violate laws. They do appeal for justice under the laws. But it is now different with boards of appeal under zoning laws. When a man wants special privilege he appeals, and it frequently happens that the board of appeals grants the appellant exemption from the law. It has also happened that the courts have upheld the board of appeals, though in many cases it has been otherwise.

It is therefore not out of place to state again the function of a board of appeals. The board is like a court of equity, which passes upon problems in which the law is not, often cannot be, specific. For example, a man has a 30 foot lot between two developed lots where 10 foot side yards

are required. He can't build on 10 feet of space, but that doesn't mean that he should be allowed to cover the entire lot with a high building and get all his light and ventilation from his neighbors. They have rights and the community has rights. In such a case an appeals board should permit the man to build a bungalow, twenty feet wide, with the gables fronting the street and the rear yard so as to protect the others in their light and ventilation.

Such a variation overcomes a physical difficulty and prevents an unnecessary hardship, and yet protects the intent and purpose of the law. It is a variation under the law and within the meaning of the law.

When an appellant seeks to put a 155 foot building in an 80 foot district, or to put a store in a residential district, or to cover more than the allowed percentage of a lot simply to make more money, he is appealing for a special privilege, for permission to steal when the law says he shall not steal. No board with any proper sense of its function would grant such a permit. No court that looks to the results and its own peace of mind will uphold a board in such a decision. For if it is done for one, why not for all? And it is the function of neither a board of appeals nor a court, nor of both combined, to repeal laws.

In spite of this, seemingly intelligent men will ask, what good is a board if it can't do such things? A Yankee's reply should be, what good is it if it can do such things? Such boards are intended to meet special situations and see that justice is done—justice to the neighborhood and the town just as much as justice to the appellant. To grant exemption from the law is the crime of violating the law. If the law is wrong it is not for the board of appeals to nullify it. A court may nullify a wrong law or a wrong application of a law. The only way a community can remedy a wrong law is to repeal it or amend it. It isn't the business of a board of appeals to amend a law. There is a legislative body in every jurisdiction.

No man has a right to appeal for exemption from a law. If he does so he should be denied. He has a right to appeal for a variation under the law and within the limits of the law when, in a specific instance, he can make no reasonable use of his property except with such a variation. While law enforcing bodies fail to see this, untold damage will continue to be done.

WHAT IS ZONING?

Zoning is an orderly system of growth, growth to design, instead of haphazard, uncoordinated, always injurious growth. Injury may come from misplaced uses and from improper height of buildings or undue coverage of lots. Haddon Hall on Commonwealth Avenue and 48 Beacon Street, two unduly high buildings, are said to be two of the main causes of zoning. The Ritz-Carleton resulted in spite of zoning, misapplied zoning. All three are examples of how not to do things, and Boston has been severely criticised by outsiders for the lack of courage to do the thing as it should have been done.

Now comes a proposal to make the height limit on Arlington Street 155 feet, instead of 80 feet. The proposal is backed by people who say that the 155 foot area should go to Cottage Farms.

Leave aside the effects on the Public Garden and the Common, and on the homes around the area and from the Basin to the State House, what about congestion? With present zoning two Bostons may be added to the present Boston in the 155 foot area.

Present congestion satisfies many people. When the two Bostons have been added more people will be satisfied. To extend the 155 foot area to Cottage Farms would permit at least three additional Bostons on top of the present one in the then 155 foot area. Then practically all people will be satisfied, because then Boston will be rapidly dying from greatness. This is zoning in name but not in fact.

A recent example of poorly considered zoning was disclosed in the matter of the extension to the Diocesan House. Here is an area, roughly

bounded by Beacon Street, the State House, Joy Street and the Charles River Basin, that offers the only down town example in any large American city of a high-grade residential area.

The area is zoned for a height of 80 feet and a coverage of 80%. Were it so developed it would be ruined. The height should be 60 feet or less, the coverage 50%. This would preserve the area. The present provisions will not preserve it.

THE FUNCTION OF A PLANNING BOARD

A number of planning boards are doing notable work. Several are doing nothing. In view of these facts it may be well to point again to the functions of planning boards.

In Massachusetts a planning board is the body to which is assigned the task of observing, considering and advising on all matters affecting the physical growth of the town, planning in all of its aspects, zoning, the location of all public buildings, the problem of parks and playgrounds, the location of new streets by land developers, and there are many other items, as may be seen by studying the activities of the boards that have reported. Each board is expected to be constantly on the watch for things that are being done, to see that they are done in the right way; and it should look ahead and anticipate future needs, that can never be so economically met as when the need is first forecast.

Boards complain that their suggestions are ignored. The records show that not all suggestions are ignored. There may be something in the way a suggestion is presented; the way in which it is prepared, the facts to back up the proposal, the energy with which it is followed up. Every board is required by law to report to its town annually. If it reports and follows up on a given item it will get results, generally in proportion to the soundness of its suggestions and the energy of its support. If the best of work fails the fault may lie with the people, but at any rate the people cannot blame the board when there comes common acceptance of the need and knowledge that it should have been met sooner.

A board must have studied the problems of the town and decided upon methods of meeting them if it is going to be able to report clearly and convincingly. Its annual report should outline clearly its accomplishments; what it tried to do and failed, with new recommendations on the same points; what it hopes to do, and why, and clear proposals to the town on such matters. This would give evidence of success, or effort, or, at least, of a sense of need. If a board can report in no way that will point in any of these directions it should resign or the people should bring about its retirement. To succeed is encouraging. To try and fail shows effort. To have a sense of the community needs shows alertness of mind. It needs only continuity of effort to convert success into greater success, failure into success, and awareness of need into effort to meet the need.

The function of a planning board is to be energetic, resourceful, far-visioned in directing the growth of the town. The planning board may be likened to the architect. After a time the results begin to speak for themselves. The hand of the architect shows as every feature is finished.

If a board exists merely to comply with the law, it is hardly a man's job and reflects no great credit on either the man or the town. And yet there are such boards. And the towns where they exist are worth-while, they have some kind of a future, people will live in them, sooner or later the people will awaken to defects and needs. Questions will arise. Present attitudes will not longer be satisfactory. Boards that do nothing, that never even meet to consider a problem, may not throw the whole blame on the town. The general situation in Massachusetts is such that there is work for every board to do.

Here is a list of things now being done by Massachusetts planning boards, selected from the reports printed herein:—

A comprehensive plan for the entire town.

Co-ordination of streets in new developments with existing streets.

Widening, straightening and correcting grades of existing streets.
 Building lines on narrow business streets to enable gradual widening at small expense.

Traffic regulation.

Through traffic ways and their effects on village and community life.

Co-operation with boards of survey and other authorities.

A comprehensive zoning system.

Improvements in zoning laws and maps.

Upholding zoning through:

Proper board of appeals administration.

Proper work by building inspector.

Through court action.

Building codes.

Airport studies.

Study of school plant development for efficiency and permanency.

Parks and playgrounds.

Bathing and skating facilities.

Comfort stations.

Sidewalk developments.

Drainage problems, solutions offered.

Refuse disposal, dumps, incineration, etc.

Water supply and its protection.

Map studies, population, assessments, expenditures.

Regulation of billboards and other nuisances.

THE SITUATION HOPEFUL

Of our 107 planning boards some are dead. Some were still-born. But by far the greater majority of the boards are active or have a keen sense of the needs of their localities.

Most of the boards appreciate the need of working towards each proposed step by getting the problem before the people. This is the only way to insure success. If the people do not understand the proposal of a board they will not adopt it. There is enough of opposition from those who would never do anything. To get needed things the people who believe in progress must be given an opportunity to back every program. When programs are laid before them they must back them. Special interests are organized. The people must organize. They must co-operate.

A serious situation arises when work is started, say in zoning, and public officials violate, or connive at or wink at violations of local laws. Fortunately, we have people who will aid in requiring officials to obey the law, and we have places like Falmouth and Brookline and sporty Euclid Village that will oppose violations by citizens.

A TOWN'S ATTITUDE TOWARDS LEADERSHIP

Leadership is needed in every line of work. Big industrial and commercial institutions are always looking for leadership, and they are willing to pay large salaries to secure such leadership. But let a man of vision and energy try to give his services to his community and he has to be a veritable wizard if he is not to be turned down. Why should this be so?

Every town has problems, big, important and serious problems, upon the solution of which depends the future welfare of the town, the comfort and success of private and corporate life within the town. The obvious place for such leadership is on the planning board. Such leadership is responsible for the best things being done in the state. In spite of the best of such leadership come some of the greatest failures.

The story in one town, without a planning board, shows that a man of vision and public spirit, incidentally also of means, bought much land and tried to start a movement for conserving and extending the colonial, historical and aesthetic qualities of the town. These qualities had reached a high degree of excellence, the town is ancient, historical, literary and

is visited by thousands, but the crudities of modern commercialism were beginning to manifest themselves. This leader's aim was constructive, it was sound, it was based upon economic, aesthetic, social principles of the best sorts. The people turned down every proposal that came before them and the would-be helper of the community gave up.

Alongside this town is another town with a small group of men who have somewhat similar vision. Some of them are members of the planning board and some are simply citizens of the town. They have worked together, the people in town meeting have given reasonable support, and the town is reaping excellent results. It will doubtless reap greater results as time passes, as leadership becomes more experienced, as the people understand better and co-operate more wholeheartedly.

There are many towns in Massachusetts that may be classed under one or the other of the above heads. The great need is that people should see their town whole, should vision its needs, should become active in building along right lines, should no longer oppose needed action.

LAND FOR PUBLIC NEEDS

Every city and town needs land for public buildings, schools, playgrounds, parks, land in many places for meeting future needs if the place is to develop properly. The worst enemy in the way of securing such land is the private owner who is willing, yes, anxious to take every cent he can get. He is encouraged by a peculiar and mysterious attitude on the part of jurors who will mulct any community, even their own, and thus themselves, for the benefit of almost any private individual who happens to own land that the community may need.

A concrete illustration will help. Oak Bluffs has a small park fronting the water on the left of the boat landing as one approaches the town. There is a street in front of the park and a narrow strip of land between the street and the water. The town had secured on the other side of the landing a larger area for \$3500. The land in question was taken to protect the landing, the park and the town, because it was proposed to use the land for shack stores.

The land had been bought two years before the taking for \$5000. It was assessed at \$4500. The award was \$77,000.

Further comment is unnecessary. But it is in order to point out that it is this sort of thing that is killing proper town development everywhere. If this land had been developed with shack stores there would have been untold damage. But suppose it is land that has to be used to permit the town to function. Fear of an unfair award delays action. When action is forced the award is naturally still more burdensome. There is something fundamentally wrong with a system that perpetuates such conditions. Such conditions are imposing problems on town development that will cost millions in inconvenience, ugliness, privation and stagnation.

In view of such things it is to be hoped that citizens will not accept as commonplace the fact that many citizens, and even non-citizens, sell land for public purposes at a fair price, and that many others are giving land, valuable land in many cases, to aid the community in its efforts to grow in the right way.

COMMUNITY ADVERTISING

One of our recent historians says that "each state bids against the others to increase the number of factories which adds to its wealth and increases the value of property within its borders, although it makes no difference to the total wealth of the nation and the happiness of the whole people whether a particular concern is located in New Jersey or in Pennsylvania."

The most serious violation of economic law recently developed along this line is in the passing of several bills by the Massachusetts legislature to permit cities and town to spend public money in advertising. Some of these places have conditions that will keep out of them every wide-awake manufacturer or home-builder. If such places get industries,

the industries will almost surely be parasitic, and not helpful to the community.

As is being repeatedly pointed out, the best way to secure useful industries and good homes is to develop the kind of a city useful industries and good homes are seeking. Advertising a poor city will lure no wide-awake people. To lure other kinds of people isn't good economics. Advertising may seem to be an easy way out of such a difficulty. It would be if it worked. The only way that will work is in the hands of the people, and the planning board should be the leader in what needs to be done.

The table shows the present status of planning boards in Massachusetts cities and towns:

| BOARDS ESTABLISHED | | | NO BOARD | CONSIDERING BOARDS |
|--------------------|---------------------|------------------|--------------------------------------------|-----------------------|
| Amesbury | Greenfield | Paxton* | Adams Chelsea Danvers Marlborough | Agawam* |
| Amherst* | Haverhill | Peabody | | Canton* |
| Andover | Hingham* | Pittsfield | | Chatham* |
| Arlington | Holyoke | Plymouth | | Cohasset* |
| Ashland* | Hudson* | Quincy | | Edgartown* |
| Attleborough | Lawrence | Reading* | | Harwich* |
| Auburn* | Leominster | Revere | | Lincoln* |
| Barnstable* | Lexington* | Salem | | Littleton* |
| Bedford* | Longmeadow* | Saugus | | Lunenburg* |
| Pelmont | Lowell | Shrewsbury* | | Orange* |
| Beverly | Lynn | Somerville | | Plainville* |
| Boston | Lynnfield* | Southbridge | | Scituate* |
| Bourne* | Malden | Springfield | | Swampscott* |
| Braintree | Mansfield* | Stoneham* | | Williamstown* |
| Bridgewater* | Marblehead* | Stoughton* | | |
| Brockton | Medfield* | Taunton | | |
| Brookline | Medford | Tisbury* | | |
| Cambridge | Melrose | Wakefield | | |
| Chicopee | Methuen | Walpole* | | |
| Clinton | Middleborough* | Waltham | | |
| Dartmouth* | Milford | Watertown | | |
| Dedham | Milton | Wayland* | | |
| Dennis* | Nahant* | Webster | | |
| Duxbury* | Nantucket* | Wellesley* | | |
| Easthampton | Natick | Westfield | | |
| East Longmeadow* | Needham* | Weston* | | |
| Everett | New Bedford | West Springfield | | |
| Fairhaven | Newburyport | Westwood* | | |
| Fall River | Newton | Weymouth | | |
| Falmouth* | North Adams | Wilmington* | | |
| Fitchburg | Northampton | Winchester | | |
| Framingham | North Attleborough* | Winthrop | | |
| Franklin* | Northbridge | Woburn | | |
| Gardner | Norwood | Worcester | | |
| Gloucester | Oak Bluffs* | Yarmouth* | | |
| Great Barrington* | Palmer | | | |

* Under 10,000 population.

CITIES AND TOWNS WHICH HAVE BEEN ZONED

| COMPREHENSIVE | | USE | | INTERIM | |
|-------------------------------|------------|--------------------------|-------------|-------------|-------------|
| Brockton ¹ | Nov., 1920 | Winthrop ¹ | Mar., 1922 | Westfield | July, 1922 |
| Brookline ^{*1} | May, 1922 | Milton* | July, 1922 | Revere | Apr., 1925 |
| Longmeadow ^{*1} | July, 1922 | Holyoke | Sept., 1923 | Taunton | Sept., 1925 |
| Springfield ^{*1} | Dec., 1922 | Winchester* | Mar., 1924 | Newburyport | Aug., 1925 |
| Newton ^{*1} | Dec., 1922 | Swampscott ^{*1} | Apr., 1924 | Marlborough | Jan., 1927 |
| W. Springfield ^{*1} | May, 1923 | Dedham ^{*1} | May, 1924 | Andover | Mar., 1927 |
| Cambridge ¹ | Jan., 1924 | Chelsea | June, 1924 | Petersham | Mar., 1927 |
| Lexington ^{*1} | Mar., 1924 | Paxton | Dec., 1924 | Oak Bluffs | Apr., 1927 |
| Melrose ^{*1} | Mar., 1924 | Worcester ¹ | Dec., 1924 | Northampton | Sept., 1927 |
| Arlington ^{*1} | May, 1924 | Wellesley* | Mar., 1925 | | |
| Boston ^{*1} | June, 1924 | Salem* | Nov., 1925 | | |
| Woburn | Jan., 1925 | Hudson | Mar., 1927 | | |
| Belmont ^{*1} | Jan., 1925 | | | | |
| Needham ^{*1} | Mar., 1925 | | | | |
| Walpole ^{*1} | Mar., 1925 | | | | |
| Stoneham ^{*1} | Mar., 1925 | | | | |
| Waltham ^{*1} | July, 1925 | | | | |
| Haverhill ¹ | Oct., 1925 | | | | |
| Medford ^{*1} | Oct., 1925 | | | | |
| Wakefield ^{*1} | Nov., 1925 | | | | |
| North Adams ¹ | Dec., 1925 | | | | |
| Somerville ¹ | Dec., 1925 | | | | |
| New Bedford ^{*1} | Dec., 1925 | | | | |
| Watertown ^{*1} | Jan., 1926 | | | | |
| Fairhaven ^{*1} | Feb., 1926 | | | | |
| Falmouth ^{*1} | Apr., 1926 | | | | |
| Reading ^{*1} | May, 1926 | | | | |
| Lynn ^{*1} | June, 1926 | | | | |
| Lowell* | July, 1926 | | | | |
| Malden* | July, 1926 | | | | |
| Everett ¹ | July, 1926 | | | | |
| Norwood ^{*1} | May, 1927 | | | | |
| Gloucester ^{*1} | Nov., 1927 | | | | |
| Pittsfield ^{*1} | Dec., 1927 | | | | |
| Marblehead ^{*1} | Apr., 1928 | | | | |
| Weston ^{*1} | Apr., 1928 | | | | |
| Concord* | Apr., 1928 | | | | |
| Agawam ^{*1} | Apr., 1928 | | | | |
| East Longmeadow ^{*1} | Apr., 1928 | | | | |
| Saugus ^{*1} | June, 1928 | | | | |

PARTIAL ZONING

| | |
|------------|-------------|
| Marshfield | June, 1926 |
| Fall River | Sept., 1927 |

* Provides for single family districts.

¹ Has front yard provisions.

The arrangement of this table follows the classification of the Division of Building and Housing, United States Department of Commerce. It will be noted that a number of places have only use zoning. These places should have bulk zoning, that is, height and area zoning.

REPORTS OF PLANNING BOARDS

(Statements in parentheses are from office data)

In an effort to present this report to the planning boards in time to be of service at the annual town meetings, as requested by some of the boards, we called for skeleton reports earlier than usual. Although two requests were sent, the return has been small. A number of boards that have not reported have been doing notable work.

To boards that have been partly or entirely inactive we would suggest going over the types of activity mentioned by the boards that have reported. There ought to be suggestions that could be adopted in most places. Every board should be active in solving the outstanding problems of the town. Every town has problems.

Some boards may not have received a request for this report, though two were sent. Forty (40) boards have not reported their 1928 membership. Our requests may have reached the wrong people and not those who should have had them.

Amesbury. Work of the board retarded by rejection of zoning. Work for street and sidewalk improvement continues.

Amherst. Work retarded by rejection of zoning. Traffic regulations considered.

Arlington. Minor improvements have been made in zoning. A drain-

age scheme for the Mill Brook area has been prepared. Several street adjustments are being studied, joint study with Belmont of Spring Street problems, new 8 acre park, study for bathing space on Spy Pond and studies for further zoning changes.

Barnstable. No report. (An example of a town doing excellent work on which it could report. Much work has been done on lines laid down last year.)

Beverly. (The entire board resigned because the city government rejected zoning.)

Boston. Has co-operated in studies for several street readjustments. Working on main thoroughfare plan, improvement of Post Office Square, zoning amendments, new health center and other studies to meet changing needs.

Bourne. The board advises against zoning at present. Industry is decreasing, the summer business increasing, and the board advises main highways in back-land to protect the villages and the permanent and summer dwellings. Attention is called to the need of regulated dumps, and of ways across the canal.

Braintree. Special study for widening Hancock Street, a narrow and dangerous main way, supporting development of a set of assessors' maps, building line studies, aid in movement for securing shores of Great Pond, the water supply, further study of zoning, educational work.

Brookline. No report. (The courts upheld the town in its effort to stop the operation of an undertaking establishment in a residence district.)

Cambridge. Studies on building lines, street widenings, zone changes, Dartmouth Street bridge and traffic problems. (It is being asserted that the zoning law is being violated.)

Clinton. The board repeats its recommendation for a comfort station, much needed, further action on building lines, zoning for the greatly needed protection it would give, additional traffic signs, regulation of parking and a plea for full co-operation among all boards and the citizens for the welfare of the town.

Duxbury. Working on zoning, building lines, road widths, street signs and airport. Prepared a plan for a new post office, telephone and public hall combination with setback to meet traffic needs. The town does not co-operate.

Easthampton. Working on a zoning scheme.

East Longmeadow. No report. (Zoning scheme has been adopted.)

Fall River. The board calls attention to the social and economic importance of planning and zoning, the adoption of a partial zoning scheme in the administration of which the board acts as a board of appeals and the extensive work as a result of the fire of February 2, 1928. On these matters the board has held 24 regular and many special meetings, conferring at all times with all related city departments. In working out readjustments after the fire the board has considered the needs for more space for traffic, for light and air and for fire protection, along with the effect of all on the appearance of the city. The whole has been tied in with the comprehensive plan previously prepared and future developments will be along the same lines.

Falmouth. No report. (There is active work in administering the zoning law.)

Fitchburg. No report. (Work on the zoning scheme has been suspended on account of economic conditions, though good zoning would aid rather than harm in this respect.)

Framingham. Zoning continues to be pushed and the board co-operates with the board of survey and on other local problems. (The whole board is elected annually, which has resulted in several complete changes with resulting lack of progress.)

Franklin. Working on zoning and building by-laws. Secured \$10,000 appropriation for a war memorial.

Gloucester. No report. (The city won its case in support of a decision of the zoning board of appeals. A new bridge entrance and main way problems are being considered.)

Great Barrington. Reports death by pernicious anemia.

Greenfield. The town has not come to see the importance of planning work (in spite of several serious happenings), but a special town meeting made an appropriation for zoning and a referendum was invoked, with the result that the appropriation was defeated. The people are beginning to be interested and the local daily paper is giving constructive support.

Leominster. The board co-operates in studying gasoline permits, is keeping up the work for zoning, co-operates with the board of survey, advancing street widenings and extensions, studies school and playground needs, skating and swimming needs, aviation field, city forest, nursery for shade trees, city garage, parking facilities, and in many other ways that affect the future growth of the city.

Lexington. No report. (A very busy board that could help others by reporting in detail. Actively co-operates with the board of survey, prepared a redraft of the zoning law which has been referred to a joint committee, has made a comprehensive study of a main drainage scheme affecting 1000 acres, and has been active on several other important matters.)

Lowell. No report. (The local daily paper is giving constructive support to city planning and zoning.)

Lynn. No report. (The board has taken a backward step in supporting a provision to permit conversion of 2½ story houses into 3-deckers. Lynn has had a serious explosion, resulting in over a dozen deaths, as a result of a misplaced industrial use.)

Lynnfield. Zoning has been authorized and the board has a by-law ready for a special town meeting. (Defeated.)

Marblehead. No report. (Proposals have been made to give protection to some of the unprotected area. There is much need for this action.)

Medfield. Reports inactivity.

Melrose. The board has worked with city departments on population map, street widths map, a statistical chart showing income growth and expenditure and assessment maps, and is working on accident map, historical map, drainage studies and a school plant study to cover needs till 1940.

Milford. Has never functioned and there seems no promise of public support.

Milton. The board advises with other boards on request but finds no marked co-operation. (Zoning is producing good results and is actively supported.)

Nahant. No report. (Zoning was defeated last March.)

Nantucket. The board is studying the needs of the town in regard to public reservations, a main traffic artery across the island, elimination of dangerous corners, one-way streets due to many narrow ones, parking space, and the beginnings of a general town plan. (The board is less than a year old. It is getting started. This alone is a good piece of work.)

Natick. Co-operates in studying land developments and street layouts, in billboard regulation, and is working on building by-laws which have been adopted. In this the model of the U. S. Department of Commerce was followed. The report states that zoning is included and that all that is needed to round out zoning is a zone map.

Needham. No report. (The board has been studying zoning amendments and administration, traffic problems and has co-operated on a comprehensive school building program which is being put into operation.)

New Bedford. The street plan is fixed considerably beyond present needs and the city is zoned, so the board gives much time to administrative work. Zone changes, street widenings, traffic conditions and billboard locations receive attention. Billboards are permitted in business areas and denied in residence areas, in accordance with zoning provisions. (News reports show extension of business areas. All old cities have too

much land set aside for business, and it isn't needed and results in a shabby development, meantime causing people to go further out for homes. In developed cities these homes go outside the city, as in Boston, New Bedford, Lawrence, etc.)

Newton. Acting also as a board of survey the board has much routine work. Zone changes, one 1100 acre general-residence district to single residence area, and 36 new street proposals, are the main activities for the year. (The building commissioner reports a steady increase of high-grade single dwellings as a result of protection provided. Swimming pools, athletic fields and active work on school needs are types of activity in Newton. The building commissioner invites all buyers or builders to come to him for full data on the protection offered in every instance.)

North Adams. No report. (There has been active work in support of proper zoning administration and on street and parking needs.)

Northampton. No report. (The interim zoning law has prevented a Standard Oil filling station in a residence district. A local paper says editorially: "The Standard Oil Company, if it wished, could defy the law and put a building there, but such a procedure might bring down the law like it did in the case of 'Bossy' Gillis, and the Standard Oil Company is not a 'Bossy' Gillis." There has been difference of opinion on some things prevented by the law. Interim laws provide administrative regulation and work accurately in proportion to the activity of the citizens and the intentions of the city government.)

North Attleboro. The board, established last April, has held monthly meetings and considered building lines, new street locations, new main ways and is advising zoning.

Pittsfield. No report. (The zoning law has been in force about a year and an alderman has proposed its suspension for three months. The order was introduced for immediate action, no hearing, and it was assumed that a majority vote of the aldermen, with no reference to the council, could effect suspension. The ordinance was, however, upheld. It is well to note that such a proposal should be legally introduced, a hearing held, and that then a two-thirds vote is required, a three-fourths vote if citizens object to the change.)

Plymouth. No report. (Hearings are being held on a proposed zoning by-law.)

Quincy. The board has made 21 street studies and makes definite recommendations on street widths, to be established before further building is done. There has been co-operation with state and local boards on several matters. (Quincy adopted zoning, the referendum was invoked and it was defeated. A new move led to reference to the people a second time, by the city government. It was again defeated. The opponents of zoning are permanently injuring the city.)

Reading. An effort to secure set-back lines in the center for traffic relief was voted down for fear of damages. Efforts to break down zoning so far defeated. Board co-operates fully with board of appeals.

Revere. No report. (The board is still hoping to secure the adoption of comprehensive zoning, presented a year ago.)

Salem. No report. (Salem has had a serious time through allowing 2½ story houses to be occupied by 3 families in violation of law.)

Shrewsbury. Hearings and a report on zoning. Further educational work is being done. The board works on gas permits and similar questions.

Springfield. Thirty zone changes have been sought, 5 allowed, 25 rejected. Two changes were to a higher classification, 3 to a lower. The zone map has been entirely worked over and adopted. This was to do away with obvious inconsistencies. Special studies on traffic routing, traffic rules and street adjustments. Comprehensive school-plant study continued. Hope to publish a special report on this. Crosstown thoroughfare, over mile of needed land donated, 4 miles of a 49.5 foot way widened to 80 feet with gift of land, a downtown street widened, new city plan map as result of 5 years experience, 1 mile of park along Mill River, land

given. (The Springfield board work is a good example of co-operation given by city departments and by the board.)

Taunton. The Municipal Council refers question of acceptance of new streets to the board, which makes recommendations in all cases. The board discovers many items to be solved in connection with new development schemes: drainage, water supply, dead-end streets, etc. Studies needed street widenings, building lines looking to gradual widening of streets. Advises a comprehensive plan as basic for all items, and a comprehensive zoning system.

Walpole. Zoning is meeting with increasing favor and has resulted in much building of a good grade. There has been work on parks, memorial bridge, swimming facilities, a 5-year sidewalk program, new high school considered to meet needs for 25 years. The board meets twice a month.

Waltham. No report. (Waltham, along with Springfield, New Bedford, Quincy, Pittsfield, North Adams and other places, is fortunate in having constructive newspaper support.)

Watertown. No report. (Watertown, along with Newton, Revere, Arlington, etc., is being urged to remove apartment house regulations. Cheap apartments are never a help and it is a serious question whether the best of them help. A lot of cheap ones increase the tax rate and keep out desirable dwellings.)

Wayland. At the request of the selectmen the board has studied several new street proposals and the location of land needed for town purposes. Work has been done to remove traffic hazards and to provide street signs. A sidewalk study and an aerial map are in progress.

Wellesley. Now holds stated meetings and special meetings for conferences with other boards, special studies on street and traffic problems, traffic lights, zone changes being carefully studied and urging co-operative effort among all places affected by the proposed Boston and Worcester road.

Weston. The board has given its effort to the development and adoption of the zone plan.

West Springfield. No report. (The town won its case against the Mayos who conducted a store and gas station in a residence district.)

Westwood. The town established the board last spring and at the same time gave it an appropriation to prepare a zoning scheme. This will be ready for the 1929 annual meeting.

Wilmington. The board's suggestion for a zoning study was defeated. The playground act was accepted but no steps for compliance were taken. The board has been authorized to act as a park board.

Winchester. On recommendation of the board the town has taken 9 acres on Indian Hill. This with 2 acres now used for a water tower gives an 11-acre park. Building surpasses any previous year. In view of the results the board presented an amendment to the zoning law providing front yard set-backs and 6500 square feet minimum lot sizes, which were adopted. There is conviction that a better grade of development will result. The front yard provision of 20 feet is general and the town will continue special studies of needs and 10 streets have already been presented for greater front yard space. There are already 27 miles of such special provision. This puts more than one-half of the street mileage in the higher class. The board urges regulation of the use of premises, not embodied in the original by-law. The board believes zoning has been of great value.

Winthrop. No report. (The proposed comprehensive zoning was defeated.)

Worcester. Working on widening and continuation of streets. A topographical survey is in active progress. A new parallel to Main Street is still under study and substantial progress on school-plant development is being made.

Yarmouth. Special studies are under way on school needs, highway readjustments, town forest, street trees and park problems. The board stresses the importance of care of the beautiful trees now existing.

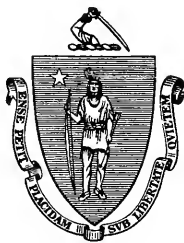


The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

DIVISION OF HOUSING AND TOWN PLANNING

ANNUAL REPORT FOR THE YEAR ENDING
NOVEMBER 30, 1927



MASS.
DOCS.
COLL.

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

HOUSING AND TOWN PLANNING

RICHARD K. CONANT, *Commissioner*

EDWARD T. HARTMAN, *Visitor to Planning Boards*

ADVISORY BOARD

Hon. A. C. RATSCHESKY, Boston, *Chairman*.

JEFFREY R. BRACKETT, Boston.

GEORGE CROMPTON, Worcester.

GEORGE H. McCLEAN, Springfield.

MRS. ADA ELIOT SHEFFIELD, Cambridge.

MRS. MARY P. H. SHERBURNE, Brookline.

REPORT OF THE DIVISION OF HOUSING AND TOWN PLANNING

One hundred (100) planning boards, with 4 more established in towns which will elect the membership at the 1928 annual town meetings, is the record to date. This is a gain of 9 boards during the past year. As the movement grows the number of new boards each year will decrease, mainly because of the conservatism of the more outlying towns. Their problems are not yet as acute as those of the towns nearer the greater population centers. But the universal verdict is that all places have problems due to the automobile alone, although there are other conditions requiring attention in practically all places.

The town that can say it has no problems in connection with its growth does not exist in a state like Massachusetts, and it is doubtful whether there is such a town in the country. Such a condition is as impossible with a town as with a child. There may be lack of growth, arrested development, in either case. But arrested development in either case is usually admitted to be a problem needing consideration. In the case of children failure to act is usually credited to indifferent or incompetent parents. There are many towns receiving no attention, and when their people awaken to the situation they will generally find that they have only their own indifference to blame. Even this admission does not always solve the problem.

Establishing a planning board solves no problems. In at least two places it is admitted that the boards were established only to comply with the law. The boards were not expected to do any work. They have done no work. It is safe to say that twenty percent of the present boards are doing nothing. But this leaves eighty boards that may be credited with one or more forms of activity. Some of them are barely alive, and from here the activity runs up to those doing excellent, even notable, work. An inactive board in a city or town may be credited to the same type of condition as where there is no board at all. No place has to be contented with a board in name only. The law does not require nor even anticipate such a condition.

The unfortunate facts of the situation are that failure to act is commonly due to fear of expense, while failure to act is always more expensive than to act properly at the right time. This is a mere truism which people commonly see in connection with their own affairs, and just as commonly fail to see in town affairs; which are also their affairs.

The conditions requiring attention may be observed everywhere. Let us take Cape Cod as an illustration. The outstanding man-made feature of the Cape of pre-automobile days was the elm-arched village street lined with Cape Cod cottages. Here the people lived in comfort amidst pleasant surroundings. "Now," in the words of a citizen of the Cape, "a woman who pushes her baby carriage across or along a street is in more danger than if she did the same on a railroad. Women do not so use our railroads, but we have made it necessary for them to so use our dangerous streets or stay at home."

Hundreds of miles of new main ways are being constructed. What effect do these ways have on the villages through which they pass? Is the building of a new main way merely an engineering problem? On the contrary, it is primarily a social and economic problem, a problem of the effects it will have on the region through which it passes, the problem of killing or making the region. A region rendered uninhabitable except by filling stations, hot dog stands and billboards is blighted, not helped. Already towns are beginning to give serious attention to the things that are happening. Every town must do so if it would protect its interests. Under the laws of the Commonwealth the planning board is the best medium for this purpose.

But it must be an active, observant board. It is the gas in the vicinity of the spark that starts the ignition. If there is no gas in that particular cubic centimeter nothing will happen. This is why nothing happens in so many towns, except what ought not to happen. Emergencies and opportunities arise but no one is on the watch. There is no planning board or there is a dead planning board. The opportunity goes by default. The results speak for themselves.

To secure an effective board, towns should look for members with powers of observation, imagination, initiation and honesty of purpose. Then will true leadership be acquired and when a community spark develops there will be something there to give it potency, something to turn it into helpfulness instead of damage.

A planning board should list all problems as they arise or may be anticipated. These should be arranged in the order of their importance (hazard or benefit to the community), in the order of the support of public sentiment and in the order of difficulty of execution and cost. The resultant will give roughly the order of attack. They should generally be taken one at a time.

The whole town in any and all cases is more important than any part of it. Nevertheless, as things now are, most towns may find that more constructive attention is being given to the planning of an individual home or industry than to the planning of the community. This happens in spite of the fact that the efficiency and desirability of the home or industry is more dependent upon the nature of the community than upon its individual nature.

The attitude of the people in general is probably less a cause for comment than the attitude of our educational leaders. We have schools of architecture, and very properly so, for the training of those who erect individual buildings. We have schools of landscape architecture, also properly, for the training of those who tidy up the surroundings, the frame, of architectural units. But we are, so far as specific training is concerned, in a most rudimentary stage as to training in town planning.

The results are our problem. We find a home, good in design, sound in construction, with an attractively developed lot, but with a garage on one side and a laundry on the other side. It is not a home. We find a factory built somewhat off the railroad, for perfectly proper reasons, but with heavy grades, three sharp turns and an abundance of mud holes between it and where it has to deliver its goods. We find a town with but one through way, running as it should, the original road upon which it was started, and which is now entirely too narrow for the traffic needs; while all other ways which have to be used as through ways are but a series of jogs, right-angle turns and sharp curves. Such a town may not hope to compete with one properly planned. Intelligent people are looking for a place where their home will be protected, and where their industry may not be placed under unnecessary handicaps.

This is but one way of stating the function of town planning. A full state-

ment of all its aspects would require a volume. The field of work offers one of the best possibilities for constructive statesmanship.

The goal of statecraft is opulence and comfort, according to Adam Smith. According to Thomas Jefferson it is public felicity. The difference between the two is slight. And nothing that affects opulence and comfort, or public felicity, is more needed today than scientific, conscientiously scientific, town planning. For this reason the work of our planning boards is of the essence of statecraft, and already the leaders among those higher in authority are recognizing the fact.

REGIONAL PLANNING

The field for those higher in authority, and for all the people, is not of the community alone, for no community is of itself alone, any more than is any nation of itself alone. As Cyrus Kehr points out in his book, "A Nation Plan" (which may be found in the State Library): If we content ourselves with local planning "we shall overlook the basic fact that no city can be brought to its best without the fullest possible inter-relationship with all other cities throughout the entire nation; that for social and industrial reasons every city needs the best possible communication with all parts of the nation and with all parts of the world; that the fullest mental and spiritual development of the people of the city can be attained only by such communication; and that for material and industrial advancement the city needs the best possible facilities for the interchange of industrial products between all parts of the nation and all parts of the world."

This is all so obvious that it is plain we will have to learn that a real plan does not stop with the imaginary line that forms a town boundary. A broader and more practical outlook and a more co-operative spirit is needed and it is arising. The 1927 annual conference of the Massachusetts Federation of Planning Boards was in the main devoted to state planning and the first regional conferences have been held in Worcester and on Cape Cod. The Worcester conference, initiated by leaders in the region, dealt with the importance of proper ways for the area of which Worcester is the centre. If the surrounding towns had no strictly local problems this regional aspect would give plenty of work for local boards, while for this region there are but four boards where there should be at least twelve.

The Cape conference, held under the auspices of the Cape Cod Chamber of Commerce, brought out most encouragingly local studies of the best way to develop the main traffic ways of the Cape without further ruining the beautiful village centers which were, and still are to some extent, such a strong element of Cape Cod as we have known it and want to continue to know it. The local suggestion, in short, is to run a main traffic way from Buzzards Bay to Provincetown, through the back lands, along the main backbone of the Cape with spur roads to the various villages. This, it is pointed out, would save, even rehabilitate, the attractive Cape villages which are essential if the Cape is to properly develop for both permanent and summer residential purposes. It was in this connection that a citizen pointed out the hazards of the village streets, as previously quoted.

THE ANNUAL CONFERENCE OF THE MASSACHUSETTS FEDERATION OF PLANNING BOARDS

The annual conference emphasized mainly the need of recognizing the importance of the inter-town ways and the individual village centers and their protection; and the holding and proper protection of the natural beauty spots of the state. The metropolitan invasion, as it is aptly called by Benton McKaye, is spoiling rather than helping. One needs but to picture the lining of the ordinary highway or village center, does not need to name the elements, to know what this invasion means. It will have to be controlled. Massachusetts is wasting her advertising, worse, she is sacrificing her birthright, when she allows her ways to become automobile slums. These ways were once attractive, some few spots are yet so.

Thousands of people are every year attracted by our climate, scenery, and

by our shores and inland water areas. But they are not going to come to these things through lanes of filling stations, hot dog stands, billboards, and all the other litter by which our ways are becoming lined. And they are not going to build or even rent a summer home where the village center looks like a dump heap. The amazing thing is that we have not seen this sooner.

The Federation voices the opinion that it is time to call a halt on this widespread desecration of our villages and roadsides, and to do the same with our mountains, gorges, streams, ponds and ocean front; as far, at least, as these things have not already been blighted.

Money is being spent to advertise New England. One town at least has entered a bill to permit it to spend money to advertise its advantages. A plan is developing to take a lot of out-of-state people over our roads and through our towns for educational purposes. What will these people see when they respond to our advertising and travel over our territory? They will see a beautiful countryside and excellent roads lined by the types of activity that do harm rather than good.

Let a town, particularly what we call a good summer town, protect every residence by a good zoning plan, and keep its roadsides free from everything but their natural beauty, and the whole country will know that town without a cent spent in advertising. No town differently treated can compete with it. All money spent in advertising would better be spent in making the town as it ought to be, and naturally would be were it not for harmful intrusions.

ZONING

Fifty-seven (57) places have zoning of some kind, as against 47 a year ago, while 33 places are working on it. Part of these are working to replace rudimentary or interim zoning with comprehensive plans. In this connection it should be noted, as shown in the zoning table, that a number of places besides those with only interim zoning have only use zoning. Use zoning is worth while, but it is not all of it. Height and area zoning will have to be provided by all places that are without it, and it is unfortunate for a place to think it has comprehensive zoning, through bad leadership, only to find it has to completely redraft its zoning law. The fault lies primarily with zoning advisers. Places will usually adopt comprehensive zoning if it is presented to them, if they adopt any.

AREA ZONING

Much of the height and area zoning, particularly the latter, follows the standards of 20 years ago, which were mere make-shift, based on no scientific standards. For light and ventilation it should be remembered that the average angle of sunlight in this latitude is about 45 degrees. When any building has on the south side of it a building higher than the space between the two it is at an unfair advantage. Such conditions, whether in home, shop or factory, do not promote health. This requires consideration of height and of side and rear yards and particularly of courts. An air shaft, closed at the bottom, is a receptacle for embalmed air. As long as people have to breathe they need air. Air is not fit to breathe if it is not constantly being changed and purified. Too many people are only half alive because these facts are ignored, though perfectly established.

HEIGHT ZONING

The height of buildings affects congestion as well as light and ventilation, and congestion is the biggest physical problem our cities have to solve; while it is also a social and economic problem. It has been urged that the use of a building decides its contribution to congestion, rather than its height. This proves nothing. A twenty story office building will congest main lines of horizontal traffic about twice as much as a ten story building. We already know that any considerable area will reach the saturation point when its building heights equal its street widths. The average height of buildings on Manhattan Island is 5 stories. An average height of 5 stories produces the present congestion of Manhattan Island. An average height of 66 feet in the small downtown business district of Boston produces the present congestion of the whole

city as well as of several suburban places. The average for the whole is probably 3 stories.

The solution is said to be wider streets. No city in the East is laid out for wide streets. The distance between the streets is too small. Widen the streets and the economic result tends to push buildings still higher. The new width is absorbed and the solution is still wider streets. The result is still higher buildings, and the height of buildings has always pre-absorbed the wider streets before they were developed.

Every new high building in Boston, or in any other place troubled with congestion, increases the average height and increases congestion. The solution of the problem of congestion is a matter of relationship between height of buildings and street widths. The violation of this principle violates an economic principle, and increases the cost of living in a way that will ultimately destroy the goose, the literal as well as the figurative goose.

WHAT TOWNS SHOULD DO

The important steps for every town are to get a planning board established, and get an appropriation for preparing comprehensive zoning schemes. At the same time, although it may be done later, vote to accept the provisions of General Laws, Chapter 143, Sections 3, and 6 to 12 inclusive.

The acceptance of these sections is required by law, in order to establish a system of inspection, and make the whole thing workable.

A town does not have to vote to accept any state law in order to establish a planning board. To establish a planning board something like this should be entered in the town warrant:

To see if the town will establish and elect a planning board,
or act in any manner thereon.

Under this there should be a motion to adopt a by-law, which would be the by-law establishing the planning board. The planning board members may then be nominated and be elected by acclamation, or by hand ballot, and thereafter each new member's name would go on the official ballot each year. If it seems better, the moderator may be authorized to appoint a committee to serve till the next annual town meeting, when all members would be elected on the ballot, in accordance with the vote establishing the planning board.

Before any system of inspection is established it is necessary to enter and act on an article something like this:

To see if the town will vote to accept the provisions of
General Laws, Chapter 143, Sections 3, and 6 to 12 inclusive.

Under this it should be stated to the people that the acceptance of these laws does nothing but pave the way to action by the town on any kind of building or zoning law that it may want at any time to adopt. Should a town desire to secure an appropriation for actual work on a zoning scheme it should have an article reading:

To see if the town will appropriate the sum of
dollars for the preparation of a zoning plan, under the
direction of the planning board, to be presented to the town at
a future town meeting.

Sooner or later a town will take all of these steps. The order in which they are taken will be a matter of local expediency, or the steps may all be taken at once. To go without any of these things means drift, not growth according to plan.

A town may also want a board of survey. It may have one by voting to accept General Laws, chapter 41, section 73. This acceptance makes the selectmen a board of survey, with power to approve street lay-outs in accordance with a proper set of rules which the board would adopt.

The division of housing and planning will gladly help any town that wants to act on any of these matters.

The following table covers local action on the establishment of planning boards to date. A study of the following Reports of Planning Boards will give a better clue to activities, though reports and activities do not always match.

The table shows the present status of planning boards in Massachusetts cities and towns:

| BOARDS ESTABLISHED | | | NO BOARD | CONSIDERING BOARDS |
|--------------------|-------------------|------------------|-------------------------------------------------------|--------------------|
| Amesbury | Great Barrington* | Paxton* | Adams | Agawam* |
| Amherst* | Greenfield | Peabody | Chelsea | Chatham* |
| Andover | Haverhill | Pittsfield | Danvers | Concord* |
| Arlington | Hingham* | Plymouth | Marlborough | Littleton* |
| Ashland* | Holyoke | Quincy | | Lanenburg* |
| Attleborough | Hudson* | Reading* | | Marlborough |
| Auburn* | Lawrence | Revere | | North Andover* |
| Barnstable* | Leominster | Salem | | Orange* |
| Bedford* | Lexington* | Saugus | | Petersham* |
| Belmont | Longmeadow* | Shrewsbury* | | Plainfield* |
| Beverly | Lowell | Somerville | | Sandwich* |
| Boston | Lynn | Southbridge | | Wareham* |
| Bourne* | Malden | Springfield | | |
| Braintree | Mansfield* | Stoneham* | | |
| Bridgewater* | Marblehead* | Stoughton* | | |
| Brockton | Medfield* | Taunton | BOARDS ESTABLISHED TO BE ELECTED AT NEXT TOWN MEETING | |
| Brookline | Medford | Tisbury* | | |
| Cambridge | Melrose | Wakefield | | |
| Chicopee | Methuen | Walpole* | | |
| Clinton | Middleborough* | Waltham | | |
| Dartmouth* | Milford | Watertown | | |
| Dedham | Milton | Wayland* | | |
| Duxbury* | Natick | Webster | | |
| Easthampton | Needham* | Wellesley* | | |
| East Longmeadow* | New Bedford | Westfield | | |
| Everett | Newburyport | Weston* | | |
| Fairhaven | Newton | West Springfield | | |
| Fall River | North Adams | Weymouth | | |
| Falmouth* | Northampton | Winchester | | |
| Fitchburg | Northbridge | Winthrop | | |
| Framingham | Norwood | Woburn | | |
| Franklin* | Oak Bluffs* | Worcester | | |
| Gardner | Palmer | Yarmouth* | | |
| Gloucester | | | | |

*Under 10,000 population.

CITIES AND TOWNS WHICH HAVE BEEN ZONED

| COMPREHENSIVE | | USE | | INTERIM | |
|------------------------------|------------|--------------------------|-------------|-------------|-------------|
| Brockton ¹ | Nov., 1920 | Winthrop ¹ | Mar., 1922 | Westfield | July, 1922 |
| Brookline ^{*1} | May, 1922 | Milton* | July, 1922 | Revere | Apr., 1925 |
| Longmeadow ^{*1} | July, 1922 | Holyoke | Sept., 1923 | Taunton | Sept., 1925 |
| Springfield ^{*1} | Dec., 1922 | Winchester* | Mar., 1924 | Newburyport | Aug., 1925 |
| Newton ^{*1} | Dec., 1922 | Swampscott ^{*1} | Apr., 1924 | Marlborough | Jan., 1927 |
| W. Springfield ^{*1} | May, 1923 | Dedham ^{*1} | May, 1924 | Andover | Mar., 1927 |
| Cambridge ¹ | Jan., 1924 | Chelsea | June, 1924 | Petersham | Mar., 1927 |
| Lexington ^{*1} | Mar., 1924 | Paxton | Dec., 1924 | Marblehead | Apr., 1927 |
| Melrose ^{*1} | Mar., 1924 | Worcester ¹ | Dec., 1924 | Oak Bluffs | Apr., 1927 |
| Arlington ^{*1} | May, 1924 | Wellesley* | Mar., 1925 | Northampton | Sept., 1927 |
| Boston ^{*1} | June, 1924 | Salem* | Nov., 1925 | | |
| Woburn | Jan., 1925 | Hudson | Mar., 1927 | | |
| Belmont ^{*1} | Jan., 1925 | | | | |
| Needham ^{*1} | Mar., 1925 | | | | |
| Walpole ^{*1} | Mar., 1925 | | | | |
| Stoneham ^{*1} | Mar., 1925 | | | | |
| Waltham ^{*1} | July, 1925 | | | | |
| Haverhill ¹ | Oct., 1925 | | | | |
| Medford ^{*1} | Oct., 1925 | | | | |
| Wakefield ^{*1} | Nov., 1925 | | | | |
| North Adams ¹ | Dec., 1925 | | | | |
| Somerville ¹ | Dec., 1925 | | | | |
| New Bedford ^{*1} | Dec., 1925 | | | | |
| Watertown ^{*1} | Jan., 1926 | | | | |
| Fairhaven ^{*1} | Feb., 1926 | | | | |
| Falmouth ^{*1} | Apr., 1926 | | | | |
| Reading ^{*1} | May, 1926 | | | | |
| Lynn ^{*1} | June, 1926 | | | | |
| Lowell* | July, 1926 | | | | |
| Malden* | July, 1926 | | | | |
| Everett | July, 1926 | | | | |
| Norwood | May, 1927 | | | | |
| Gloucester* | Nov., 1927 | | | | |
| Pittsfield ^{*1} | Dec., 1927 | | | | |

¹Provides for single family districts.

¹Has front yard provisions.

The arrangement of this table follows the classification of the Division of Building and Housing, United States Department of Commerce. It will be noted, as previously mentioned, that a number of places have only use zoning. These places should have bulk zoning, that is, height and area zoning.

CITIES AND TOWNS AT WORK ON ZONING

| | | |
|--------------|------------------|-------------|
| Agawam | Clinton | Medfield |
| Amesbury | Concord | Nahant |
| Andover | Duxbury | Northampton |
| Attleborough | Fitchburg | Plymouth |
| Barnstable | Frammingham | Saugus |
| Beverly | Hingham | Shrewsbury |
| Bourne | Leominster | Southbridge |
| Braintree | Littleton | Weston |
| Chatham | Lynnfield | Winthrop |
| Chelsea | Marblehead | Yarmouth |
| Chicopee | Marion | |

HOUSING EXPERIMENT AT LOWELL

The condition of the housing experiment at Lowell remains unchanged with payments on the houses erected going on regularly.

A statement of the money spent and the money paid back into the State treasury is as follows:

Appropriation (made in 1917) \$50,000.00

Expenses:

| | |
|----------------------------------------------------------------------------------------------------|-------------|
| Land purchased, 7 acres with room for 40 houses, including also one house standing on lot . . . | \$12,500.00 |
| Cost of 12 houses | 28,128.77 |
| Improvements | 2,626.77 |

\$43,255.54

\$ 6,744.46

STATEMENT TO NOVEMBER 30, 1927

| Lot Number | Sale Price | Paid on Principal | Interest | Principal Unpaid Nov. 30, 1927 |
|------------------|-------------|----------------------|-------------|--------------------------------------|
| 2 | \$3,100.00 | \$1,341.97 | \$1,044.35 | \$1,758.03 |
| 3 | 2,900.00 | 1,407.20 | 1,023.70 | 1,492.80 |
| 4 | 2,900.00 | 1,057.22 | 857.22 | 1,842.78 |
| 5 | 2,900.00 | 1,436.61 | 1,036.39 | 1,463.39 |
| 6 | 2,450.00 | 1,113.93 | 821.44 | 1,336.07 |
| 7 | 2,450.00 | 1,078.78 | 706.50 | 1,371.22 |
| 8 | 2,900.00 | 1,336.80 | 930.95 | 1,563.20 |
| 9 | 2,400.00 | 1,092.02 | 804.26 | 1,307.98 |
| 10 | 2,425.00 | 1,119.70 | 807.75 | 1,305.30 |
| 11 | 3,000.00 | 1,468.12 | 1,067.38 | 1,531.88 |
| 12 | 2,900.00 | 2,900.00 | 908.67 | |
| 13 | 3,100.00 | 1,547.54 | 1,117.46 | 1,552.46 |
| Totals | \$33,425.00 | \$16,923.21 | \$11,126.07 | \$16,525.11 |

REPORTS OF PLANNING BOARDS

Comments in parenthesis are from office data

Amesbury. A zoning by-law was defeated at the 1927 annual town meeting. The board hopes to have this by-law adopted and to do some practical work on highway extensions.

Amherst. A zoning by-law was defeated at the 1927 annual town meeting. Further effort will be made.

Andover. Adopted an ad interim zoning by-law and is at work on a comprehensive by-law.

Arlington. Zoning administration a constant activity, with steady work on planning problems, traffic, new parks and street extensions.

Ashland. No report.

Attleborough. No report. (A zoning plan killed remains dead.)

Auburn. No report.

Barnstable. Preparing a complete base map of the town. Looking towards building lines, proper major plan, regulating sub-divisions, considering an ad interim zoning by-law and following up all proprietary grants to locate all present land ownerships.

Bedford. No report.

Belmont. 12 1-2 acres new playgrounds and 26 acres clay pits purchased, school survey, constant work protecting zone plan against those seeking special concessions.

Beverly. No report.

Boston. Preparing a major plan, defending zoning plan in the interests of the community, a special study on betterments (to be published). The major plan includes main thoroughfares, playgrounds, parks, parkways, port development, transportation, location of public buildings, and zoning, all in relation to the Metropolitan plan. Also co-operating with the Street Traffic Advisory Board and the Metropolitan Planning Division in a comprehensive traffic study which brings out the relation of street loads to street width with the economic implications. The board cooperates with the White Fund in locating the new health centers. Preparing an aerial map, 400 feet to the inch. (The board is leading, not following, public sentiment. A sentiment based on a knowledge of Boston's chief needs is yet to be developed.)

Bourne. No report. (A zoning plan awaits action.)

Braintree. The board is working on zoning (postponed from last annual town meeting), parks, new thoroughfares, building lines and on draining and filling projects.

Bridgewater. No report.

Brockton. No report.

Brookline. Working on several aspects of a main plan, especially the location of new streets.

Cambridge. Working on traffic thoroughfares, upon which the public yet remains indifferent. The zoning plan is much attacked by those seeking special privilege. (The board seems to be leading, not following, public opinion.)

Chicopee. No report. (A zoning plan which has been presented seems to be treated politically and not as a planning problem.)

Clinton. (Report from newspaper clipping. The board continues to urge zoning to protect the residential areas, and is considering the problem of automobile parking and a much needed comfort station.)

Dartmouth. No public support of any action suggested.

Deatham. Working mainly on plan problems, street widenings and maps of sections being developed.

Duxbury. Seeking to meet a special traffic problem on the way to the beach, a summer problem. Zoning scheme prepared but unadopted.

Easthampton. No report. (The moderator is trying to interest the people in zoning, which the town much needs, just as it needs prompt action on certain of its street problems.)

East Longmeadow. No Report. (Understood to be working on zoning.)

Everett. The board is issuing a good educational report which should be secured by other boards. Zoning is being followed by the board with care, and many elements of a city plan are being brought to the attention of the people. Traffic problems are serious and are increasing. (The board is leading, not following, public opinion.)

Fairhaven. No report. (There is active work on the administration of the zoning plan.)

Fall River. No report. (The city has been partially zoned.)

Falmouth. The board has been represented at all state and county conferences without expense to the town. Zoning has resulted in material protection (and has not stopped building. Permits for over \$2,000,000 worth of construction were issued during the 18 months after the zoning by-law was passed. Nevertheless the by-law is up for repeal at the 1928 annual town meeting.) Working on a revised building line plan for the main business section, on the widening of Main Street, on new streets, on beach rights for the people, parks and a proposed aviation field.

Fitchburg. No Report. (A special zoning committee is working on a zone plan and ordinance and the commissioner of public works is studying ways of meeting the increasing traffic problems.)

Framingham. No report.

Franklin. No report.

Gardner. No report.

Gloucester. No report. (In November the city adopted a comprehensive

zone plan, a board of appeals has been appointed, and studies are being made to relieve the traffic congestion on the single way into the city.)

Great Barrington. No report.

Greenfield. The board is inactive but the chamber of commerce has adopted a program of work which embodies planning features.

Haverhill. Working mainly on adjusting street system to traffic needs (and co-operating in administration of zone plan), which is securing good results.

Hingham. The park board is developing at the harbor. (The zone plan, prepared two years ago, remains dormant.)

Holyoke. No report.

Hudson. No report. (An elementary zone plan has been adopted.)

Lawrence. Has worked on the problem of relocating railroad and abolishing grade crossings.

Leominster. Considering the problems of the main plan, particularly with a view to solving traffic problem at the center, and continued study of a zone plan that will give much needed protection.

Lexington. No report. (As advisor to the board of survey the planning board is doing excellent work. The town has greatly improved as a result of zoning.)

Longmeadow. No report. (The town has much improved under zoning.)

Lowell. No report.

Lynn. No report.

Malden. Working for the adoption of a prepared plan. The zone plan is successfully protecting the city against speculators and selfish applicants. The board is working on improvements to the zone plan.

Mansfield. No report.

Marblehead. Working mainly on a zone plan that will give needed protection in the large developing areas and at the same time meet the approval of the people in the older parts of the town, where conditions are unusual.

Medfield. Doing nothing since zoning was defeated. Public sentiment remains antagonistic, as far as expressed.

Medford. Considering main plan, primarily with reference to traffic needs, street widening and defending zoning law against those seeking special privilege at the expense of the community. (Interest is shown as to the local results of certain metropolitan thoroughfare projects.)

Melrose. Working on main plan, with emphasis on traffic problem, and defending zone plan against selfish assaults.

Methuen. No report.

Middleborough. No report.

Milford. No report.

Milton. No report.

Natick. No report.

Needham. No report (defending zone plan against attacks.)

New Bedford. Active mainly in helping to administer and protect the zoning ordinance, and in special traffic studies. The parking of automobiles is a serious problem.

Newburyport. No report.

Newton. The city plan is proving helpful in guiding growth. The board has much work as a board of survey and in defending the zone plan against special interests.

North Adams. Studying street widening and parking problems. Need building lines to ease the way to many needed widenings. The zone plan is not yet understood and is much attacked by people seeking privileges. Working for better assessing.

Northampton. City has adopted an ad interim zoning ordinance. The board supports a comprehensive zone plan and a more active care of public parks.

Northbridge. No report.

Norwood. Finally secured adoption of a zoning by-law, which is being quite a little attacked by requests for changes. Studying street and traffic problems.

Oak Bluffs. No report. (The town has adopted a temporary zoning by-law and taken quite a little of the ocean front, as a result of the work of the board.)

Palmer. Just getting started. Have traffic problems and hope to get started on a zone plan.

Paxton. No report.

Pittsfield. A comprehensive zone plan has just been adopted. This has been the main activity of the year.

Plymouth. No report. (At work on a zone plan.)

Quincy. No report. (The Chamber of Commerce has presented a new zone plan to the city government.)

Reading. No report.

Revere. Has prepared and presented to the Municipal Council a complete zone plan. A ruling of the building inspector under the ad intrim zoning law was attacked but upheld by the courts.

Salem. No report. (The city has on its hands a serious problem as a result of allowing many violations of the zoning ordinance.)

Saugus. Has a complete zone plan ready to present to the town meeting. The plan was presented in 1927, but was referred back to the board, to which was added a supplementary committee.

Shrewsbury. No report.

Somerville. No report.

Southbridge. No report. (A zone plan has been prepared but no action has been taken on it.)

Springfield. No report. (There has been much work on the city plan, and the zone map is being entirely reworked to make it more scientific.)

Stoneham. No report.

Stoughton. No report.

Taunton. No report.

Tisbury. Just starting. Trying to secure the interest of the people and looking to building code and zoning.

Wakefield. No report.

Walpole. No report.

Walham. No report.

Watertown. No report.

Wayland. No report.

Webster. No report.

Wellesley. The board is making traffic studies. That 1,668 cars per hour pass through Wellesley Square over a ten-hour period indicates the extent of the problem. The board aided in securing acceptance of the board of survey act and is active in upholding the zoning by-law.

Westfield. No report.

Weston. No report.

West Springfield. The board, acting also as a board of survey, is active in eliminating dead end streets and duplicate street names, also in upholding the zone plan.

Weymouth. No report.

Winchester. No report.

Winthrop. Working on a rezoning plan to take the place of the more elementary plan.

Worcester. Working to make the earlier proposed plan more practical, relieving traffic problems, increasing the front yard provisions of the zoning ordinance and supporting a two million bond issue for three major street improvements.

Yarmouth. The board's zone plan was defeated but the board keeps in active touch with the town problems and advises protecting the older residential roads and villages by providing new ways for the through traffic needs. The board makes specific recommendations for playgrounds, for removing traffic hazards, for care of trees, for town forests, for fire prevention, for town parks and for regulated dumps.

The Commonwealth of Massachusetts

ANNUAL REPORT

OF THE

DIVISION OF HOUSING AND
TOWN PLANNING

FOR THE

YEAR ENDING NOVEMBER 30, 1920

DEPARTMENT OF PUBLIC WELFARE



BOSTON

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APPROVED BY THE
SUPERVISOR OF ADMINISTRATION.

DEPARTMENT OF PUBLIC WELFARE.
HOUSING AND TOWN PLANNING.

RICHARD K. CONANT, *Commissioner.*

Advisory Board.

ABRAHAM C. RATSHEKY, BOSTON, *Chairman.*

JEFFREY R. BRACKETT, BOSTON.

GEORGE CROMPTON, WORCESTER.

GEORGE H. McLEAN, SPRINGFIELD.

MRS. ADA ELIOT SHEFFIELD, CAMBRIDGE.

MRS. MARY P. H. SHERBURNE, BROOKLINE.

CONTENTS.

| | PAGE |
|-----------------------------------------------------------------------------|------|
| Housing and Town Planning, | 7 |
| Housing Experiment at Lowell, | 9 |
| City and Town Planning, | 10 |
| Present Status of Boards, | 10 |
| Reports of Local Boards, | 12 |
| Library of the Division, | 27 |
| Appendix: — | |
| Law relating to zoning, | 36 |
| Law relating to boards of survey, | 38 |
| Law relating to advertising signs and devices within public view, | 41 |

The Commonwealth of Massachusetts.

REPORT OF THE DIVISION OF HOUSING AND TOWN PLANNING.

HOUSING AND TOWN PLANNING.

The Homestead Commission, established under authority of the Acts of 1911, chapter 607, as a temporary commission, and made permanent by the Acts of 1913, chapter 595, had as members at various times the following persons: — ✓

Charles F. Gettemy.
Kenyon L. Butterfield.
Augustus L. Thorndike.
Clement F. Coogan.
Mrs. Eva W. White.
Warren Dunham Foster.

Henry Sterling.
Cornelius A. Parker.
Arthur C. Comey.
George Chandler Whipple.
Walter L. McMenimen.
George A. Bacon.

The history of its work in the study and promotion of good housing and town planning will be found in the seven published reports of the Homestead Commission.

Under the consolidation act¹ of 1919 the Homestead Commission was abolished and its functions transferred to the Department of Public Welfare.

The statute² gives the Commissioner of Public Welfare and the Advisory Board very broad powers in regard to housing

¹ General Acts of 1919, chapter 350, section 90.

² Chapter 121, General Laws, sections 23 to 27, is as follows: —

SECTION 23. The commissioner and board shall investigate defective housing, the evils resulting therefrom and the work being done in the commonwealth and elsewhere to remedy them, study the operation of building laws and laws relating to tenement houses, encourage the creation of local planning boards, gather information relating to town planning for the use of such boards, and promote the formation of organizations intended to increase the number of wholesome homes for the people.

SECTION 24. The commissioner and board may, with the consent of the governor and council, take by eminent domain or purchase in behalf of and in the name of the commonwealth tracts of land for the purpose of relieving congestion of population and providing homesteads or small houses and plots of ground for mechanics, laborers, wage earners of any kind, or others, citizens of the commonwealth; and may hold, improve, subdivide, build upon, sell, repurchase, manage

and town planning. Because no additional machinery was given to the Department for exercising these functions the work begun by the Homestead Commission has not developed satisfactorily since the reorganization.

The Department maintains a bureau of information and keeps in touch with activities in the United States and in other countries. It furnishes information and literature to chambers of commerce, real estate boards, legislative committees, housing companies, boards of health, city planning commissions, libraries, universities, manufacturers, engineers, lawyers and architects.

A library¹ is maintained by the Department, included in which are reports of activities in other States and in other countries, pamphlets, books and periodicals which deal with the social as well as with the technical side of town planning matters.

A file of maps and plans is kept by the Department, which includes plans made by the local boards and submitted by them to their local governments. The planning boards of Boston and Quincy have been most active in forwarding copies of such plans to us, and we urge that other boards — when special maps or plans are made by them — submit blue prints to this Division.

The Department has a set of 75 lantern slides with an accompanying lecture which it is glad to lend to planning boards and organizations interested in the work. The slides illustrate instances of good and bad housing and planning in Massachusetts.

and care for such land and the buildings constructed thereon, in accordance with such terms and conditions as they may determine.

SECTION 25. The commissioner and board may sell such land or any parts thereof, with or without buildings thereon, for cash or upon such instalments, terms and contracts and subject to such restrictions and conditions as they may determine, and may take mortgages upon said land, with or without buildings thereon, for such portion of the purchase price and upon such terms as they deem advisable, but no tract of land shall be sold for less than its cost, including the cost of any buildings thereon. All proceeds from the sale of land and buildings or other sources shall be paid to the commonwealth.

SECTION 26. The commissioner and board shall call the attention of mayors and city councils and selectmen in towns having planning boards, to the provisions of sections seventy to seventy-two, inclusive, of chapter forty-one; and it shall furnish information and suggestions from time to time to city governments, selectmen and planning boards, which may tend to promote the purposes of said sections and of section twenty-three of this chapter.

SECTION 27. The commissioner shall make an annual report of the acts of the commissioner and board under the four preceding sections.

¹ For list of books, see pages 27-35.

HOUSING EXPERIMENT AT LOWELL.

The housing experiment conducted by the Homestead Commission at Lowell has automatically become a part of the work of this Department.

The Department employs an agent in Lowell who collects the monthly payments from the purchasers, transmits requests for needed repairs to the Department, and instructs the purchasers in gardening.

The undeveloped land has been divided into plots approximately 100 by 45 feet, which have been let to the owners and neighbors for the cost of plowing and harrowing.

A statement of the financial status at the close of the fiscal year follows:—

Statement to Nov. 30, 1920.

| LOT NUMBER. | Initial Payment. | Balance due after Initial Payment. | Paid on Principal. | Interest. | Balance unpaid. |
|---------------|---------------------|------------------------------------|--------------------|------------|-----------------|
| 2, | \$50 00 | \$3,050 00 | \$311 51 | \$352 01 | \$2,738 49 |
| 3, | 100 00 | 2,800 00 | 275 40 | 312 60 | 2,524 60 |
| 4, | 100 00 | 2,800 00 | 244 35 | 280 65 | 2,555 65 |
| 5, | 100 00 | 2,800 00 | 285 83 | 323 17 | 2,514 17 |
| 6, | 50 00 | 2,400 00 | 166 57 | 187 88 | 2,133 43 |
| | 100 00 ¹ | — | — | — | — |
| | 50 00 | 2,400 00 | 129 43 | 151 10 | 2,170 57 |
| 7, | 50 00 ¹ | — | — | — | — |
| | 50 00 ² | — | — | — | — |
| 8, | 100 00 | 2,800 00 | 168 29 | 198 46 | 2,531 71 |
| | 100 00 ¹ | — | — | — | — |
| 9, | 50 00 | 2,350 00 | 168 31 | 196 22 | 2,131 69 |
| | 50 00 ¹ | — | — | — | — |
| | 50 00 | 2,375 00 | 216 64 | 263 49 | 2,058 36 |
| 10, | 50 00 ¹ | — | — | — | — |
| | 50 00 ² | — | — | — | — |
| 11, | 100 00 | 2,900 00 | 296 05 | 334 70 | 2,603 95 |
| 12, | 50 00 | 2,850 00 | 263 34 | 300 04 | 2,486 66 |
| | 100 00 | — | — | — | — |
| 13, | 100 00 | 3,000 00 | 317 43 | 357 57 | 2,682 57 |
| Totals, . . . | \$1,450 00 | \$32,525 00 | \$2,843 15 | \$3,257 89 | \$29,131 85 |

¹ Amount paid by first new tenant when property was transferred.

² Amount paid by second new tenant when property was transferred.

CITY AND TOWN PLANNING.

The statutes quoted on page 7 require the Commissioner and the Advisory Board to encourage the creation of local planning boards and to furnish them information and suggestions. Planning boards are required to be appointed in every city and town having a population of more than 10,000, and may be appointed in towns having a population of less than 10,000. In cities the board must be appointed by the mayor, subject to confirmation by the council, and in towns the board must be elected at the annual town meeting.¹

Two new planning boards have been established during the year, one in Fall River, the other in North Adams.

PRESENT STATUS OF BOARDS.

There are 36 active planning boards in the State. There should be at least 71. The Department is doing all that it can do until it is permitted to employ a field agent who can conduct an active educational campaign in cities and towns of the Commonwealth.

Thirteen cities and towns have failed to comply with the law. Seventeen planning boards have become inactive since appointment. The usual reason given is that the members, failing to get their recommendations adopted by the town and city officials, have become discouraged. This may have been the fault of the planning board or of the officials. Planning

¹ Chapter 41, General Laws, sections 70 to 72, is as follows:—

SECTION 70. Every city and every town having a population of more than ten thousand at the last preceding national or state census shall, and towns having a population of less than ten thousand may, create a planning board, which shall make careful studies of the resources, possibilities and needs of the town, particularly with respect to conditions injurious to the public health or otherwise in and about rented dwellings, and make plans for the development of the municipality, with special reference to proper housing of its inhabitants. In cities the said board shall be appointed by the mayor, subject to confirmation by the council, and in towns shall be elected at the annual town meeting.

SECTION 71. Every planning board shall make a report annually to the city council or to the annual town meeting, giving information regarding the condition of the town and any plans or proposals for its development and estimates of the cost thereof. Every such planning board shall file with the department of public welfare a copy of each report made by it.

SECTION 72. Cities and towns may make ordinances and by-laws for carrying out the purposes of section seventy, and they may appropriate money therefor. The planning board of a town may be authorized by vote of the town to act as park commissioners therein, and may be vested with all the powers and duties of park commissioners in towns.

The laws relating to zoning, boards of survey and advertising signs are given in the Appendix, pages 36-42.

boards have only advisory power, and it is discouraging to meet with no response but disapproval. It has been proved, however, that in the long run well-formulated, practical plans are likely to be accepted, if not the first time they are offered, the second or third or fourth. It pays to "keep everlastingly at it."

The following table shows the present status of planning boards in Massachusetts cities and towns:—

| Active Boards. | Boards never appointed. | Boards inactive or non-existent at Present Time. | Towns reaching Population of 10,000 (1920 Census). |
|-------------------------|-------------------------|--------------------------------------------------|----------------------------------------------------|
| Amherst. ¹ | Danvers. | Adams. | Amesbury. |
| Arlington. | Gloucester. | Beverly. | Belmont. |
| Attleboro. | Greenfield. | Chelsea. | Braintree. |
| Boston. | Lowell. | Chicopee. | Easthampton. |
| Brockton. | Lynn. | Lawrence. | Northbridge — 5. |
| Brookline. | Marlborough. | Medford. | |
| Cambridge. | Milford. | Pittsfield. | |
| Clinton. | New Bedford. | Plymouth. | |
| Dedham. | Newburyport. | Revere. | |
| Everett. | Peabody. | Salem. | |
| Fall River. | Saugus. | Southbridge. | |
| Fitchburg. | Webster. | Springfield. | |
| Framingham. | West Springfield — 13. | Waltham. | |
| Gardner. | | Watertown. | |
| Haverhill. | | Weymouth. | |
| Holyoke. | | Woburn. | |
| Leominster. | | Worcester — 17. | |
| Lexington. ¹ | | | |
| Malden. | | | |
| Melrose. | | | |
| Methuen. | | | |
| Natick. | | | |
| Newton. | | | |
| North Adams. | | | |
| Northampton. | | | |
| Norwood. | | | |
| Quincy. | | | |
| Reading. ¹ | | | |
| Somerville. | | | |
| Stoneham. ¹ | | | |
| Taunton. | | | |
| Wakefield. | | | |
| Walpole. ¹ | | | |
| Westfield. | | | |
| Winchester. | | | |
| Winthrop — 36. | | | |

¹ Towns under 10,000 population.

REPORTS OF LOCAL BOARDS.

Planning boards are required¹ to report annually to their local governments and to file copies of such reports with the Division.

It is of course desirable that the Department and the local board be in as close touch as possible during the interval between annual reports. This contact may be brought about in some measure if all boards would forward to the Department — as do the boards of Attleboro and Taunton — news items appearing in the local papers about planning boards and their activities.

Summarized reports of the activities of the local boards follow: —

Amherst.

The most important matters studied during the year were the following: —

The establishment of building lines.

A zoning plan.

Legislation to prevent the erection of three-deckers.

A soldier memorial.

Arlington.

The report includes the following items of interest: —

Hearings on the question of a Roll of Honor; which resulted in the recommendation, adopted by the town meeting, that this project should be combined with that of providing a home for the local post of the American Legion.

Study by the towns of Lexington and Arlington of a proposal to develop the Great Meadows as a public park.

Consideration of the establishment of building lines at the junction of Medford Street and Broadway.

Recommendation for an appropriation to develop the land in the rear of the senior high school, that it may ultimately be of value as a public park or playground.

Endorsement of billboard regulation.

Endorsement of the zoning law.

¹ See footnote, p. 10.

Attleboro.

The following recommendations were submitted: —

The widening of South Main Street.

The improvement of Mechanics Street by replacing the dangerous narrow bridges with wider ones.

The development of Monument Square, according to plans submitted, as a parking space for automobiles.

The provision of centrally located comfort stations.

The utilization of a vacant lot, owned by the city, as a playground.

A survey of the city which shall pave the way for the establishment of a zoning plan.

The appointment of a board of survey.

The appropriation of \$100 for the use of the board during 1921.

Boston.

Much of the work of the board during the year has been devoted to the investigation of the housing situation. In this connection the following surveys have been made: —

A survey of leading industrial plants, mercantile establishments, real estate agencies and furniture storage warehouses, to ascertain the exact nature and extent of the housing shortage.

A survey of co-operative banks throughout the city to ascertain to what extent they might be in a position to co-operate in an effort to relieve the housing situation.

A survey of national banks, savings banks, trust companies and banking organizations throughout the city in an attempt to verify statements *re* unexpended balances from funds raised by public subscription for charitable purposes.

This study required also that members of the board serve on committees; attend hearings and conferences; study conditions in other communities; inspect housing developments; prepare base maps; plan the plotting and subdivision of various vacant areas.

Other activities of the board included —

Reports on the Old Blake House and Richardson Park, Dorchester.

Study of plans for the widening and laying out of streets.

A survey of municipal activities in the ten largest cities of the United States.

The regulation of billboards.

Continued work on the proposed Stuart Street extension.

The submission to the 1920 Legislature of two bills:—

Senate Bill No. 268, providing for improvements in the North End, which was referred to the next General Court.

Senate Bill No. 269, authorizing the construction of a highway from the intersection of Tremont and Eliot streets to the intersection of Bedford and Kingston streets, which was, by request of the board, put over to the next General Court.

The outline of the work for 1921 covers the following:—

Study of a zoning plan.

Continued study of the housing problem.

Consolidation of cities and towns in the metropolitan district.

Continued work on the Stuart Street extension.

Continuation of the comprehensive survey of the South Boston district which was interrupted during 1920 by the pressure of other matters.

Brockton.

This board reports—

Preparation of a zoning ordinance which has been accepted by the city council.

Collection of data on the housing situation in Brockton to be used in preparation of a comprehensive report in 1921.

Recommendation that the building code be adopted.

Recommendation that an adequate appropriation be made for a housing survey and report.

The report includes a résumé of what the board has accomplished in previous years, and a brief outline of what “city planning” means. The résumé of work follows:—

| <i>Recommendations.</i> | <i>Accomplishments.</i> |
|-------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1915. Comprehensive plan for development of streets, parks, playgrounds, school sites; housing and building code; centennial celebration. | Ward 6 playground partially developed. Ward 1 playground, land taken. Pine Avenue extension. Crescent Street widening. Centennial plans in progress. Eldon B. Keith Memorial Field. Recreation Commission. |
| 1916. Building lines, excess condemnation. | |
| 1917. Housing and building codes. | |
| 1918. Program for city planning procedure. | Adoption of board of survey act. Installation of white light district. |
| 1919. Zoning; building code. | Zoning ordinance. |

Brookline.

The principal work of the year has been the study and preparation of a zoning plan, including preparation of maps by the town engineer, and the employment of Arthur C. Comey as adviser.

The draft of a by-law and a zoning map will soon be presented to the town.

The board has also submitted to the selectmen a plan for the rearrangement of the dangerous crossing at Coolidge Corner.

Cambridge.

Three problems received the attention of the board during the year: —

A zoning plan, drawn up by Arthur C. Comey, consultant, and submitted with the recommendation that a committee of the city council be appointed to hold hearings throughout the city on the general basis of the preliminary plans and ordinances appended, in order to inform the citizens of the benefits to be derived from zoning, and to ascertain what local changes should be made in the plan.

Harvard Square traffic conditions, including recommendations in conformity with the report and plans by Mr. Comey.

A plan for a municipal golf course at Fresh Pond, with plan and report by Mr. Comey.

Clinton.

The report included the following points of interest: —

Recommendation for the dedication of Memorial Park, with an appropriation for dedication services to be held, if possible, on Memorial Day.

Expression of gratification that the new bath-houses were so well enjoyed.

Recommendation for the improvement of a dump, owned by the town, to form a park, calling for an appropriation of \$300.

Report of improvement of housing conditions.

Recommendation for an appropriation for the provision of a comfort station.

Recommendation for a special appropriation to cover cost of providing needed street signs.

Report that the Ash Street extension which was studied during the year will prove too expensive to carry out.

Recommendation that adequate traffic rules be adopted.

Recommendation that zoning law be accepted, with an appropriation to cover cost of a town survey.

Recommendation that the armory be used as a community service building.

Suggestions for future developments: —

A foot bridge over the New York, New Haven & Hartford railroad, connecting Walnut Street with Walnut Street extension.

A street connecting School Street with West Street.

Dedham.

The following recommendations were made by the board: —

Eastern Avenue Swamp Reclamation. — It is suggested that a beginning be made in this work by acquiring the Fisher Churchill land at an estimated cost of \$625 so that the slow process of fill by deposit of wastes may be started. This would give an area for some years' work. With this the town should institute the public collection of ashes and refuse as previously proposed.

Comfort Station. — A centrally located comfort station is again urged.

Stone Park. — It is reported that this park has been used as never before, and is rapidly outgrowing its usefulness. This year the baseball diamond should be resurfaced and the outfield should be reloamed.

The board reports also extensive use and enjoyment of the bath-house during the season.

Easthampton.

Easthampton has recently attained a population of over 10,000, which brings it within the scope of the planning board law. The appointment of a board is under consideration.

Everett.

The following matters received the attention of the board during the year: —

Location of public schools.

The establishment of public markets.

Housing.

Street improvements, in co-operation with the board of selectmen and the city engineer.

Zoning.

Building lines.

Fall River.

The planning board was appointed in January and organized in May, 1920, with a membership of five. Preliminary plans now under way include —

The employment of Arthur A. Shurtleff, city planner.

Co-operation of the city engineer.

A questionnaire sent out to various city organizations and business interests calling for suggestions.

Fitchburg.

Activity was shown along these lines: —

Consideration of matters referred to the board by the city council, and recommendations on the same.

Conferences with the Commissioner of Public Works and committees of the city council *re* Commissioner's plans for certain public improvements.

Report of acceptance by the city council of recommendation of the board that Grove Street be widened.

Conference *re* plans for World War memorial.

Framingham.

An exhaustive study of the entire town has been made, with the result that the board has on file much material for future use. The work of the year follows: —

Co-operation with selectmen in considering certain street improvements. Recommendation that the plan for the improvement of Buckminster Square, formerly submitted, be carried out as soon as possible.

Report of the acceptance of the board's suggestion that Lakeview Avenue be relocated to form connecting link between the park system and the park land.

Continued work on the plan for a drinking fountain in the square at Nobscot Village, and the replanning of the same in accordance with the suggestion that the drinking fountain be so designed as to serve as a war memorial.

Recommendations: —

That a meeting of the committee on acceptance of streets be called.

That provision be made to improve sewage disposal at Framingham Center and Saxonville.

That signs be erected on all the main roads entering Framingham.

Recommendations — Concluded.

That the relighting of the center of Framingham and the placing of wires underground be considered.

That the selectmen order an investigation of the housing problem.

That the zoning plan be adopted.

That building lines be established on Union Avenue.

That a committee be appointed to consider the revision of the town seal.

Gardner.

This year the town made its first appropriation for the use of the board. The appropriation has been used for the development of a town plan by Kilham & Hopkins, architects, under the personal supervision of William Roger Greeley.

Haverhill.

The report is an illustrated résumé of the work of the board for the four years of its existence. In 1920 the following was accomplished: —

Preparation of over 40 lantern slides which were shown twelve times, with the result that new interest was aroused among the citizens, and recommendations formerly submitted by the board were finally acted upon.

Adoption by the council of recommendations —

That a comfort station be built on Washington Square Park.

That the city take control of and develop a gravel hill as a source of road-building material.

Vote of the council to meet with the planning board to consider chapter 786, Acts of 1913, the tenement house act for cities.

Holyoke.

This board reports the appointment of a zoning commission by the city, and advisory conferences with the mayor and the board of aldermen on matters of public interest.

Leominster.

The board reports the co-operation of the city council in recommending the acceptance of certain streets approved by the board, and the study of billboard regulation.

Lexington.

During the year the board has been occupied with the following: —

Repair of Station. — Acting with the selectmen the board has succeeded in getting the president of the railroad to order the repair of the present station, with the addition of important features.

Future disposition of railroad lands.

Abolition of grade crossing at Merriam Street.

Land developments: —

Conferences with town of Arlington *re* use of the Great Meadows for park purposes.

Visits to the two North Lexington developments with the town engineer, and preparation of a plan for the development of the Lexington Park land. Study of the Kendall Farm development.

Recommendation of local control, as far as possible, of undeveloped areas.

Study of question of a legislative act to require the Land Court to obtain the approval, by local boards of survey or planning boards, of land subdivisions before such subdivisions shall be recorded by the said court.

Malden.

In anticipation of the building of a new city hall the board recommended the taking of a certain parcel of land well adapted for the development of a civic center.

The question of zoning was given much study, and it is recommended that the matter receive early consideration.

The following recommendations were made: —

That building lines be established.

That certain street improvements be made.

That street names be changed to avoid duplication.

That street signs and city entrance signs be erected, and that signs at present inadequate or poorly placed be relocated and lighted.

That granolithic sidewalks with grass plots be constructed on residential streets as soon as practicable.

That shade trees be planted.

That \$5,000 be appropriated for starting a topographical survey, with subsequent appropriations sufficient to complete the work.

A conference was held with the supervisor of drawing in an attempt to arouse interest among the children, and through them among the citizens, in the possibilities of city planning.

Mr. Comey was invited to meet Malden people interested in city planning, and gave an interesting and instructive talk on zoning, housing and allied subjects.

Melrose.

Study has been made of new problems, but no new recommendations were submitted. Certain recommendations previously made were again presented: —

That duplication of names of streets, roads and courts be eliminated.

That signboards be placed at Franklin Square, directing traffic to Boston, Stoneham, Wakefield and Reading, Saugus and Lynn; and at the junction of Main and Upham streets, directing to the Newburyport Turnpike.

That Linwood Avenue be extended from Grove Street to East Foster Street.

That a far-sighted policy in street-planning be adopted.

Methuen.

The board reports the following: —

Attendance at hearings on billboard legislation at the State House, the board going on record as favoring billboard regulation.

A meeting of the members of the board with Superintendent Rouke of the Boston & Maine Railroad, on the question of a new freight station for Methuen.

Study of sites for a city yard, stable and garage, deciding on a certain lot owned by the Boston & Maine Railroad, on which the road has promised to set a price.

Removal of hay scales, and arrangement with the street department to level off old site and grade driveway at rear of fire station.

Acceptance by the city council, on recommendation of the planning board, of the board of survey act.

Recommendation that city hall be remodeled in accordance with suggestions submitted.

Recommendation that a systematic road-building schedule be entered upon as soon as possible.

Natick.

The principal project on which the board has been working during the year has been the laying out of plans for future road building in sections of the town at present undeveloped.

Newton.

The board has been occupied with the problems of street widenings and building lines and setbacks. The principal work, however, has been the preparation of a comprehensive plan and a zoning plan. The work as carried out included —

Employment of Arthur A. Shurtleff to make plans for streets, parks, playgrounds, school locations, etc.

Employment of John P. Fox, Jr., to make the zone plan.

Drawing up of suggested ordinance for submission to the city government.

North Adams.

This planning board is newly appointed. After organization it began the investigation of the work of planning boards, and made a general study of the needs of the city. The immediate needs as pointed out are as follows: —

A new police station.

A new school in the State Street district.

Additional facilities at the Johnson School.

A fire alarm system.

Extensive changes in the water system.

The report includes also a list of desirable future improvements which should be embodied in a far-reaching plan made in accordance with expert advice: —

A new city hall.

Completion of the annex at Drury.

A new schoolhouse at Blackington.

Centralized fire station and new equipment.

Athletic field for school and public use.

Better approaches to the city from Williamstown and the Mohawk Trail.

Sewage-disposal plant.

Contagious disease hospital.

A soldier memorial.

Four recommendations for immediate consideration follow: —

Preparation of a basic map of the city.

Acceptance of chapter 56 of the General Acts of 1917, *re* building lines.

Acquisition of land on the westerly side of Ashland Street, so that Ashland Street could be rounded at this point and so improve traffic conditions on one of the most congested and dangerous corners in the city.

Adoption of parking and traffic regulations on Main Street, with establishment and marking of safety zones.

The board endorses the State Street School project now before the council.

Northampton.

A summary of the work of the year follows: —

A joint meeting with the Chamber of Commerce at which Mr. Flavel Shurtleff, secretary of the National Conference on City Planning, gave an address on zoning, which resulted in the passage of a resolution in favor of a zoning ordinance for Northampton.

The preparation by the city engineer of a map of the city.

The construction of signs — paid for by the board out of its appropriation — directing traffic at certain important points.

The acceptance of the services of a group of college students who are making a survey of a certain section of the city in connection with a study of housing being made under the direction of Professor Chapin of the Department of Sociology of Smith College.

Recommendations: —

Preparation of a topographical map.

A zoning survey and passage of a zoning ordinance.

In connection with plans for a civic center, consideration of a direct approach from the south by means of a bridge connecting Maple Street and Crafts Avenue.

Elimination of hairpin curve at the junction of South and New South streets.

Employment of city engineer on full time so that all maps, records and data pertaining to the city's business may be the exclusive property of the city.

Establishment of building lines.

An appropriation for planting of new shade trees where old ones have had to be removed.

Passage of an ordinance regulating traffic and providing safety zones on Main Street.

Designation of Armory Street and Strong Avenue as parking places.

An adequate appropriation for community recreation, and the appointment of a supervisor "who shall organize and develop recreational activities throughout the entire year, and shall, in co-operation with the school committee, establish and supervise school playgrounds during the summer months."

Norwood.

The report for the year 1920 is not yet ready.

Quincy.

Various questions referred to the planning board received attention: —

Approval of plans for development in the neighborhood of Furnace Brook Parkway.

Meetings with members of the Burns Memorial committee to study locations for the Burns Memorial.

Study and favorable report, which passed the council, on the Hall plot for a playground in the Norfolk Downs section.

Approval of the original naming of squares in memory of World War veterans, and also that of Anne Hutchinson Square.

Plans for future work included —

Continuation of the reforestation of Faxon Park with 2,000 more white pines.

Presentation of plans to the 1921 Legislature for the Pilgrim Parkway.

Renewal of studies for comfort stations at Quincy Center and Houghs Neck, in conformity with recommendations in the mayor's inaugural address.

Certain recommendations previously made were again presented: —

For a white way through the center, with the added suggestion that as soon as possible the number of poles and wires on Hancock Street between Granite and School be reduced.

For a foot bridge at Merrymount Park.

For certain other improvements previously suggested, including such matters as the establishment of building lines and street extensions.

Reading.

The report includes: —

The recommendation, because of present prohibitive costs, that no action be taken at present in the matter of erecting a municipal garage.

Study with the board of selectmen *re* paving of Reading Square.

The recommendation that chapter 56 of the General Acts of the year 1917 *re* building lines should be adopted by the town.

Somerville.

Several questions were referred to the planning board for investigation: —

Care of the ashes for the city by purchase of a site on the Mystic River.
Street car service.
Public parks and buildings.

The board suggested improvement of the only bathing place for the citizens of Somerville on the Mystic River. Report is made that an office has been allotted to the planning board within the year.

Stoneham.

The board reports continued work to obtain rounded street corners; endorsement of billboard regulation; and recommendation that the zoning law be accepted.

Taunton.

The year has been devoted chiefly to an educational campaign in behalf of the building ordinance proposed by the board, which has been adopted by the municipal council. Other activities of the board were: —

Conference of planning boards held at city hall.
Recommendations: —

That the playground of the Hopewell School be enlarged.

That desirable pieces of property be secured for use as parks in the future development of the city.

That the use of billboards be regulated.

That a stricter control be exercised over the development of tracts of land for building purposes.

Wakefield.

The year has been devoted to the study and discussion of future work, with no recommendations at the present time.

Walpole.

The report includes a restatement of two votes taken at the 1914 town meeting:—

Accepting “as the official town plan of Walpole the report and town plan submitted by the town planning committee.”

Instructing “the selectmen to refer to the town planning committee, for approval or disapproval, all plans for the location, erection or alteration of public buildings in the town, and all plans for laying out new streets or extensions of existing streets, and when plans are disapproved by the town planning committee, to refer said plans to the voters for action at a town meeting before executing such plans.

The board recommended that the selectmen proceed without delay toward a proper survey of the street situation, the laying out of street widths and the establishment of building lines.

Westfield.

The board reports —

Attendance at the annual conference at Amherst.

Attendance at billboard hearings at the State House.

A special meeting of the board at which Mr. Comey gave a talk on planning board matters, such as billboards and zoning.

The drawing up of a building code which will be ready soon for presentation to the city.

Winchester.

The report includes the following topics of interest:—

Sidewalks. — Progress is reported in the laying down of granolithic sidewalks. Continuation of this work is urged, and especially the laying of sidewalks on at least one side of all main thoroughfares, that accidents may be avoided as far as possible.

Railroad Avenue. — Recommendation is again made that Railroad Avenue be accepted by the town.

Development of Real Estate and Housing. — Attention is called to developments during the year, notably the improvement of Border Road and the development of a near-by tract of land. Warning is sounded against undesirable housing schemes, and the hope is expressed that Winchester may keep its high building standards in the future.

Building Lines. — Establishment of building lines on certain streets has been recommended.

Improvement at Railroad Station. — Further studies have been made during the year for the improvement at the railroad station. The board has been in conference with the selectmen and the Finance Commission, and it is understood that the matter will be presented to the town meeting in March.

Zoning. — A conference has been held with an expert on zoning, and the board favors the adoption of a zoning ordinance in Winchester.

Town Hall. — The problem of adequate room at the town hall for town meetings is emphasized.

Winthrop.

The report for the year 1920 is not yet ready.

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|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
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| Allen, Leslie Herbert, . . . | Home building for wage earners. Industrial homes. |
| Arndt, Walter Talmadge, . . . | The emancipation of the American city. |
| Aronovici, Carol, . . . | Housing conditions in Fall River. Knowing one's own community. The problems of city planning. |
| Atterbury, Grosvenor, . . . | Model towns in America. |
| Bacon, Albion Fellows, . . . | After-care of the housing law. The divine call: Follow me. Housing — its relation to social work. What bad housing means to the community. |
| Bailey, W. W., . . . | Problem of the unemployed and the American farmer. |
| Baldwin, F. Spencer, . . . | The housing problem. |
| Bassett, Edward M., . . . | Constitutional limitations on city planning powers. |
| Bird, Charles S., Jr., . . . | Town planning for small communities. |
| Boyd, W. W., Jr., . . . | Industrial housing. |
| Brues, Morrison, . . . | How to make the garden pay. |
| Bryce, James, . . . | The menace of great cities. |
| Butterfield, Kenyon L., . . . | The relationship of New England agriculture to manufacturing. |
| Byington, Margaret F., . . . | What social workers should know about their own communities. |
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| Comey, Arthur C., . . . | Co-partnership for housing in America. Houston: Tentative plans for its development. |
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| Crawford, Andrew Wright, . . . | City planning legislation submitted by committee on legislation. Important advances toward eradicating the billboard nuisance. |
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- Ihlder, John, The fight for better homes.
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- Knapp, Bradford, Diversified agriculture and the relation of the bankers to the farmers.
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- McCowan, Hervey S., . . . A certain wise man.
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APPENDIX.

GENERAL LAWS, CHAPTER 40, SECTIONS 25-30.

LAW RELATING TO ZONING.

SECTION 25. A city or town may by ordinance or by-law restrict buildings to be used for particular industries, trades, manufacturing or commercial purposes to specified parts of the city or town, or may exclude them from specified parts of the city or town, or may provide that such buildings, if situated in certain parts of the city or town, shall be subject to special regulations as to their construction or use. A city or town may also by ordinance or by-law provide that certain kinds of dwelling houses and tenement houses shall be restricted to specified parts of the city or town, or shall be excluded from specified parts of the city or town, or that dwelling houses or tenement houses situated in specified parts of the city or town shall conform to certain regulations in respect to their construction or use which do not apply to such buildings in other parts of the city or town. For the above purpose the city or town may be divided into districts or zones, and the construction and use of buildings in each district or zone may be regulated as above provided. The provisions of this section shall be carried out in such manner as will best promote the health, safety, convenience and welfare of the inhabitants, will lessen the danger from fire, will tend to improve and beautify the city or town, will harmonize with its natural development, and will assist the carrying out of any scheme for municipal improvement put forth by any municipal planning board or board of survey or other like authority. Due regard shall be paid to the characteristics of the different parts of the city or town, and the ordinances or by-laws established hereunder in any city or town shall be the same for zones, districts or streets having substantially the same character.

SECTION 26. No ordinance shall be enacted under the preceding section in any city until after a public hearing thereon has been held, notice of which shall be published, at least thirty days before the hearing in a newspaper published in such city, or in

the county if no newspaper is published in the city. The hearing shall be given by the city council or by such officer, board, commission or committee as may be designated or appointed for the purpose by the city council.

SECTION 27. The superintendent of buildings, or the officer or board having supervision of the construction of buildings or the power of enforcing the municipal building laws, or if in any town there is no such officer or board, the selectmen, shall withhold a permit for the construction or alteration of any building if the building as constructed or altered would be in violation of any ordinance or by-law enacted under section twenty-five; and municipal officers shall refuse any permit or license for the use of a building which use would be in violation of any ordinance or by-law enacted under said section. Any person aggrieved by the refusal of a permit under this section may appeal to the municipal officer or board to which a right of appeal lies from decisions under the building laws of the city or town, and if there is no such officer or board, then the appeal shall lie to the city council or to the selectmen, or to such officer, board, commission or committee as shall be designated or appointed by the city council or by the selectmen to act as a board of appeals hereunder.

SECTION 28. The superior court shall have jurisdiction to enforce the provisions of section twenty-five and may restrain by injunction any violations thereof.

SECTION 29. An ordinance or by-law enacted under section twenty-five shall not apply to existing structures nor to the existing use of any building, but it shall apply to any alteration of a building to provide for its use for a purpose, or in a manner, substantially different from the use to which it was put before alteration. A building used or to be used by a public service corporation may be exempted from the operation of an ordinance or by-law enacted under section twenty-five if, upon a petition of the corporation, the department of public utilities shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

SECTION 30. No ordinance or by-law enacted under section twenty-five shall be repealed or modified except after reasonable notice of the proposed repeal or modification, and an opportunity to the objectors to be heard thereon. If in a city any owner of real estate which would be affected by the proposed repeal or modification objects thereto, it shall not be repealed

or modified except by a unanimous vote of all the members of the city council; and in no case shall an ordinance or by-law be repealed or modified except by a two thirds vote of all the members of the city council, or by a two thirds vote of a town meeting.

GENERAL LAWS, CHAPTER 41, SECTIONS 73-81.

LAW RELATING TO BOARDS OF SURVEY.

SECTION 73. In cities which accept this section by vote of the city council or have accepted corresponding provisions of earlier laws, the mayor, with the approval of the city council, may in January in any year appoint three inhabitants thereof to be a board of survey. Of the members first appointed one shall serve for one year, one for two years, and one for three years from the first day of the following February, and thereafter, in January of each year, one member of said board shall be appointed to serve for three years from the first day of February after his appointment, or until his successor is qualified. If a vacancy occurs a member shall be appointed in the manner provided herein to serve for the remainder of the term. The city engineer shall act as clerk of the board. The compensation of the members of the board shall be fixed by the city council. In towns which accept this section or have accepted corresponding provisions of earlier laws, the selectmen shall constitute a board of survey.

SECTION 74. After the establishment of a board of survey no person shall open a private way for public use without first submitting to said board suitable plans thereof in accordance with such rules and regulations as the board may prescribe. In cities such plans shall be so prepared as to show the profiles of such way and the method of drainage of the adjacent or contiguous territory. Upon the receipt of said plans, with a petition for their approval, the board shall give a public hearing thereon, after giving notice of the same by publication once in each of two successive weeks in a newspaper published in the city or town, the last publication to be at least two days before the hearing; and after the hearing, the board may alter such plans, and may determine where such ways shall be located and the width and grades thereof, and shall indicate any modifications on said plans. The plans as approved or modified by the board shall then be signed by the board, and in cities shall be filed in the office of the city engineer, and in towns in the office of the town clerk; and the officer with whom they are filed

shall attest thereon the date of filing; and thereafter no way in the territory to which the plans relate shall be laid out or constructed except in accordance therewith, or with further plans subsequently approved by the board.

SECTION 75. The board of survey may, and in cities, upon the vote of the planning board and the city council, shall, from time to time cause plans to be made of such territory or sections of lands in the city or town as the board of survey or the planning board may deem necessary, showing thereon the location of such ways, whether already laid out or not, as, in the opinion of the board, the interest of the public may or will require in such territory, showing clearly the direction, width and grades of each way, and in cities a plan of drainage, and said board may incur such expenses as it may deem necessary therefor, not exceeding the amount appropriated for the purpose. In cities such plans shall be prepared by the city engineer, under the direction of the board. Before causing such plans to be made, the board shall give a public hearing thereon, which shall be advertised in the manner prescribed in the preceding section, and shall, after the making of any such plan, give a hearing thereon, advertised in like manner, and keep the plan open to public inspection for one month after the first advertisement of the hearing. After the hearing, and after any alterations deemed necessary by said board have been made, the same shall be approved, signed, marked, filed and attested as provided in respect to the plans mentioned in the preceding section.

SECTION 76. In cities the board of survey may from time to time make new plans in place of plans filed in accordance with the two preceding sections, or make changes on plans so filed: provided, that any action involving new plans or changes in plans already duly attested and filed shall be made only after the notice and hearing, and in all other respects in the manner specified in section seventy-four; and the last plan so made, or the plan with the changes last made thereon and duly attested and filed, shall be the plan governing the future development of the territory affected.

SECTION 77. The powers of the city council or of the selectmen in regard to highways shall not be abridged by sections seventy-three to eighty-one, inclusive, in any manner, except as provided herein, and the powers conferred by said sections shall be in addition to other powers possessed by cities and towns. No public way shown on any plan filed as aforesaid shall hereafter be laid out, located anew, altered or widened, and no such

way, whether already or hereafter laid out, shall be constructed by any public authority except in accordance with the plan duly attested and recorded under said sections. If any person shall open for public travel any private way the location, direction, width, grades and plan of drainage of which have not previously been approved in writing by the board of survey in the manner provided in said sections, neither the city or town nor other public authority shall place any public sewer, drain, water pipe or light in, or do any public construction work of any kind, or make repairs, on such private way; provided, that this section shall not prevent the laying of a trunk sewer, drain, water or gas main if required by engineering necessities for the accommodation of other territory.

SECTION 78. No register of deeds shall record any plan showing thereon proposed ways in any town having a board of survey, unless there is endorsed thereon a certificate of said board, or other proper officer by it designated, that all laws applicable to such plan have been complied with. The clerk of each town shall notify the register of deeds of the district where such town is situated of the acceptance by such town of section seventy-three or corresponding provisions of earlier laws, or of any special act establishing a board of survey therein, and also the name of the officer designated by said board to approve plans hereunder.

SECTION 79. Boards of survey, their officers and agents may, so far as they deem it necessary in carrying out sections seventy-three to eighty-one, inclusive, enter upon any lands and there make examinations and surveys, and place and maintain monuments and marks.

SECTION 80. A town which accepts section seventy-three or has accepted corresponding provisions of earlier laws or has accepted any special act authorizing the creation of a board of survey therein may establish, in the manner provided for the laying out of town ways, the exterior lines of any way, the plan of which is approved under section seventy-four or seventy-five or under such special act; and thereafter no structure shall be erected or maintained between the exterior lines of the way so established, except that buildings or parts of buildings existing at the time of the establishment of said lines may remain and be maintained to such extent and under such conditions as may be prescribed by the board of survey of such town. Lines established under this section may be discontinued in the manner

provided for the discontinuance of a highway or a town way. This section shall not apply to cities.

SECTION 81. Sections seventy-three to seventy-nine, inclusive, shall not authorize the taking of land nor authorize a town to lay out or construct any way which may be indicated on any plan until such way has been laid out as a highway; nor shall said sections render a town liable for damages except such as may be sustained under section seventy-six by reason of the making and filing of any new plan or by reason of changes made in any plan already duly attested and filed, and for such damages as may be sustained by reason of the acts of the board of survey, its officers and agents under section seventy-nine. Any person injured in his property as aforesaid or by the establishment or discontinuance of exterior lines under section eighty may recover the damages so caused under chapter seventy-nine.

GENERAL LAWS, CHAPTER 93, SECTIONS 29-33.

LAW RELATING TO ADVERTISING SIGNS AND DEVICES
WITHIN PUBLIC VIEW.

SECTION 29. The division of highways of the department of public works, hereinafter called the division, shall make and may amend or repeal rules and regulations for the proper control and restriction of billboards, signs and other advertising devices, except as provided in section thirty-two, on public ways or on private property within public view of any highway, public park or reservation. Said rules and regulations may require that said billboards, signs or other devices be licensed in accordance therewith and with this section, may prescribe license fees, to be fixed with regard to the cost of administering this section, and need not be uniform throughout the commonwealth. Before establishing or amending rules or regulations under this section, the division shall hold duly advertised public hearings in Boston and elsewhere within the commonwealth as it deems necessary or expedient. Subject to the approval of the division, towns may further regulate and restrict said billboards or other devices within their respective limits by ordinance or by-law not inconsistent with sections twenty-nine to thirty-three, inclusive, or with said rules and regulations.

SECTION 30. No person, firm, association or corporation shall post, erect, display or maintain on any public way or on private property within public view from any highway, public park or

reservation any billboard or other advertising device, whether erected before August twenty-fifth, nineteen hundred and twenty, or not, which advertises or calls attention to any business, article, substance or any other thing, unless such billboard or device conforms to the rules and regulations and ordinances or by-laws established under the preceding section; provided, that this section shall not apply to signs or other devices existing on said date and erected and maintained in conformity with then existing law and which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertise the property itself or any part thereof as for sale or to let.

SECTION 31. The supreme judicial and superior courts shall have jurisdiction in equity upon petition of the attorney general, of any town or any officer thereof, or of any interested party, to restrain the erection or maintenance of any billboard, sign or other device erected or maintained in violation of any rule, regulation, ordinance or by-law established or adopted under section twenty-nine, and to order the removal or abatement of such billboard, sign or device as a nuisance.

SECTION 32. Sections twenty-nine to thirty-one, inclusive, and thirty-three shall not apply to signs or other devices on or in the rolling stock, stations, subways or structures of or used by common carriers.

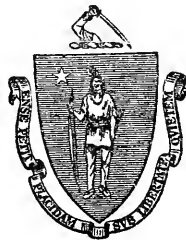
SECTION 33. Whoever violates any rule, regulation, ordinance or by-law established or adopted under section twenty-nine shall be punished by a fine of not more than one hundred dollars, and whoever after conviction of such violation unlawfully maintains such a billboard, sign or other device for twenty days thereafter shall be punished by a fine of not more than five hundred dollars.

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

DIVISION OF HOUSING AND
TOWN PLANNING

ANNUAL REPORT FOR THE YEAR ENDING
NOVEMBER 30, 1926



MASS.
DOCS.
COLL.

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

HOUSING AND TOWN PLANNING

RICHARD K. CONANT, *Commissioner*

EDWARD T. HARTMAN, *Visitor to Planning Boards*

ADVISORY BOARD

ABRAHAM C. RATSHESKY, Boston, *Chairman*.

JEFFREY R. BRACKETT, Boston.

GEORGE C. CROMPTON, Worcester.

GEORGE H. McCLEAN, Springfield.

MRS. ADA ELIOT SHEFFIELD, Cambridge.

MRS. MARY P. H. SHERBURNE, Brookline.

REPORT OF THE DIVISION OF HOUSING AND TOWN PLANNING

There are now ninety-five planning boards in Massachusetts, as against eighty-one a year ago, a gain of fourteen boards. Much interest is being shown in a number of other places. The experience of some of these, who now seriously regret that they did not act sooner, is indicative of the probable experience of other places, where the need is great, but where the officials and the people are yet indifferent.

The division is in touch with many interested people and is constantly bringing the matter to the attention of officials in places with no boards, in the hope that action may be taken before greater damage is done.

Boards are being urged to lay down at least the main features of a major plan at the same time that zoning schemes are being prepared. They are advised to include at least the correction of the present street system to the extent of straightening the more dangerous curves, eliminating jogs, continuing dead-end streets, and laying down the main thoroughfares which will be needed for the future development of the community.

This is all important as the best means of solving present traffic problems and of meeting those of the future, and it is particularly important that it be done now, before new buildings in the locations of needed changes multiply the costs by many fold.

The smallest place to establish a board had 489 inhabitants at the time. Small places frequently think they need do nothing, but we find that modern traffic problems affect the whole state, and that no place is so small as to be entirely free from them. Moreover, the best time to solve a traffic problem is before it develops.

Seven places required by law to have boards, as shown in the table on page 5 are still without them. These places, running from 11,798 to 47,247 inhabitants, have problems which make their attitude difficult to understand.

Some places state that they established boards only to comply with the law, with the definite understanding that the boards should do nothing. Such places must expect difficulties. This is also true of places

where boards are not required but have been established. One such board says: "There is a planning board appointed by the selectmen. If there are any problems to solve the selectmen attend to them. We are not called upon at all. We have no meetings."

In this connection it should be noted that the law requires boards to be elected at the annual town meeting, and that every board should develop opinion on the town's problems in order that they may be handled before it is too late. A planning board is not expected to wait until matters are referred to it. Under the law it is required to make studies of the needs of the town and to recommend such action as it deems wise. If a board's recommendations are ignored, they should be repeated. When the town finally sees the need of action, the board may not be accused of neglect of duty if it persists in its recommendations. It isn't good citizenship, just as it isn't good sportsmanship, to quit if things do not go right.

To aid in the work the division has issued a revised and enlarged edition of Bulletin 1, Planning Boards and Their Work, has reprinted an account of one of the best examples of planning before any building was done—Palos Verdes, and has held many conferences with groups and individuals on how to get boards established and how to get actual schemes started.

Forty-seven (47) places have full or rudimentary zoning. Practically all this has been accomplished in four years. Four years ago there were seven zoned places, but five of them have largely re-done their work and another is planning to do so. The result is that forty-five places have taken their major action during the past four years.

The outstanding development in regard to zoning is the increased interest of the people in its administration. After years of search for a satisfactory method of regulating municipal growth, the people are asking whether the zoning idea is to be side-tracked and rendered useless, as has been the case with the law of 1692, still on our statute books and almost never used.

There are places making very little use of their zoning schemes. Some of them already count their violations by the tens. Generally, however, the results are more than measuring up to expectations. The defect is partial in some cases, where administrative boards or officials are in part indifferent, or are influenced by interested parties. When a building inspector, for example, tries to enforce a law and is entirely ignored by the local law officer, it is difficult. The courts, however, will give relief through *mandamus* and the people will have to choose between securing efficient officers or forcing inefficient ones to attend to their duties.

Boards of appeal stand in a crucial position. It is their function to see that no applicant is denied his constitutional rights because of any physical condition or peculiar situation of his property. What is done by such a board is expected, however, to be done legally, that is, as laid down in the law, and with full consideration of the interests of the community and of adjoining property owners, as well as of the applicant. The desire of an applicant, or his chance to profit if he may violate the law, does not come within his constitutional rights. When a zoning law has been passed in the interests of the health, safety and general welfare of the people, it can generally be enforced if the people insist upon enforcement and if officials take advantage of means provided by law for enforcement.

LEGISLATION—1926.

The main item of legislation proposed last year to protect streets laid down in the right places was defeated. Secretary Hoover's special committee working on standard planning and zoning laws for the country has adopted the principles of the Massachusetts bill. Since the entire country is working in this same direction, the Massachusetts bill is being

entered for 1927, and its passage will again be urged.

In view of the constant blocking of mapped streets by the erection of buildings, and the many millions of dollars being spent to correct such situations and situations where no planning was previously done, it is obvious that the planning ahead of developments must be more extensive and that such planning must be protected. The scheme proposed for Massachusetts and now advised by Mr. Hoover's committee for the entire country will have to be adopted, unless a better plan for doing this essential work can be found.

REGIONAL PLANNING

Much careful study is being given to regional planning in many parts of this country and throughout other countries. The effective functioning of main traffic ways between large cities depends upon proper regional plans. These large cities may be within one state or any two of them may be in different states. Regional planning is essential to solve the problem. The imaginary line that bounds a city or a town does not stop a street, a railroad or a river. These things go on, regardless of imaginary lines. The proper use of the rivers and the proper development of streets, roads and railways depend upon co-operative planning, i. e., regional planning.

In Massachusetts main ways are too often looked upon as merely engineering problems. Without doubt they are engineering and economic problems, but, at base, they are social problems. The effect of every main way, say from Boston to the New York state line, must be considered in the light of its effects on every city and town through which it passes.

There are many regions within Massachusetts which are already suffering from the lack of special study. The state as a whole needs such a study. New England as a region needs it, both for its internal problems and in view of its relationship with the state of New York, Canada and the ocean. These problems do not solve themselves. Legislation is needed to permit such studies and to carry them into effect.

THE FEDERATION OF PLANNING BOARDS.

At the annual meeting of the Federation in Salem regional planning in all of its aspects was urged by the three chief speakers and this urge was seconded by all present. Outside of metropolitan Boston, Massachusetts has no law enabling or permitting any kind of regional planning. Here is a defect to be remedied. At the same time some kind of co-operative study should be developed, among the various New England states, and between these states and New York and Canada.

The conference pointed to the need for action along these lines and authorized the chairman, in co-operation with the department, to establish a committee to consider especially what might be done towards the development of a state plan.

The table shows the present status of planning boards in Massachusetts cities and towns:

| ACTIVE | | | INACTIVE | CONSIDERING BOARDS |
|-------------------|-------------|------------------|-------------|-----------------------|
| Amesbury | Greenfield | Fittsfield | Hudson* | Agawam* |
| Amherst* | Haverhill | Plymouth | Medfield* | Chatham* |
| Andover | Hingham* | Quincy | Milford | Concord* |
| Arlington | Holyoke | Reading* | Northbridge | Littleton* |
| Ashland* | Hudson* | Revere | | Lunenburg* |
| Attleborough | Lawrence | Salem | | Lynnfield* |
| Auburn* | Leominster | Saugus | | Marlborough |
| Barnstable* | Lexington* | Shrewsbury* | | Middleborough* |
| Bedford* | Longmeadow* | Somerville | | Newburyport |
| Belmont | Lowell | Southbridge | | North Andover* |
| Beverly | Lynn | Springfield | | No. Attleborough* |
| Boston | Malden | Stoneham* | | Orange* |
| Bourne* | Mansfield* | Stoughton* | No BOARD | Peabody |
| Braintree | Marblehead* | Taunton | | Petersham* |
| Brockton | Maynard* | Tisbury* | Adams | Plainfield* |
| Brookline | Medfield* | Wakefield | Chelsea | Sandwich* |
| Cambridge | Medford | Walpole* | Danvers | Wareham* |
| Chicopee | Melrose | Waltham | Gardner | Westwood* |
| Clinton | Methuen | Watertown | Marlborough | |
| Dartmouth* | Milford | Wayland* | Newburyport | |
| Dedham | Milton | Webster | Peabody | |
| Duxbury* | Natick | Wellesley* | | |
| Easthampton | Needham* | Westfield | | |
| Everett | New Bedford | Weston* | | |
| Fairhaven | Newton | West Springfield | | |
| Fall River | North Adams | Weymouth | | |
| Falmouth* | Northampton | Winchester | | |
| Fitchburg | Northbridge | Winthrop | | |
| Framingham | Norwood | Woburn | | |
| Franklin* | Oak Bluffs* | Worcester | | |
| Gloucester | Palmer | Yarmouth* | | |
| Great Barrington* | Paxton* | | | |

* Under 10,000 population.

In places where boards are reported as inactive, and in places where boards have not been established, although they are required by law, the people should take steps to secure action. The people are the sufferers from inaction, and they will have to act if they desire results.

CITIES AND TOWNS WHICH HAVE BEEN ZONED.

| COMPREHENSIVE | | USE | | INTERIM | |
|------------------------------|------------|--------------------------|-------------|-------------|-------------|
| Brockton ¹ | Nov., 1920 | Winthrop ¹ | Mar., 1922 | Westfield | July, 1922 |
| Brookline* ¹ | May, 1922 | Milton* | July, 1922 | Revere | Apr., 1925 |
| Longmeadow* ¹ | July, 1922 | Holyoke | Sept., 1923 | Taunton | Sept., 1925 |
| Springfield* ¹ | Dec., 1922 | Winchester* | Mar., 1924 | Newburyport | Aug., 1925 |
| Newton* ¹ | Dec., 1922 | Swampscott* ¹ | Apr., 1924 | Gloucester | Mar., 1926 |
| W. Springfield* ¹ | May, 1923 | Dedham* ¹ | May, 1924 | | |
| Cambridge ¹ | Jan., 1924 | Chelsea | June, 1924 | | |
| Lexington* ¹ | Mar., 1924 | Paxton | Dec., 1924 | | |
| Melrose* ¹ | Mar., 1924 | Worcester ¹ | Dec., 1924 | | |
| Arlington* ¹ | May, 1924 | Wellesley* | Mar., 1925 | | |
| Boston* ¹ | June, 1924 | Salem* | Nov., 1925 | | |
| Woburn | Jan., 1925 | | | | |
| Belmont* ¹ | Jan., 1925 | | | | |
| Needham* ¹ | Mar., 1925 | | | | |
| Walpole* ¹ | Mar., 1925 | | | | |
| Stoneham* ¹ | Mar., 1925 | | | | |
| Waltham* ¹ | July, 1925 | | | | |
| Haverhill ¹ | Oct., 1925 | | | | |
| Medford* ¹ | Oct., 1925 | | | | |
| Wakefield* ¹ | Nov., 1925 | | | | |
| North Adams ¹ | Dec., 1925 | | | | |
| Somerville ¹ | Dec., 1925 | | | | |
| New Bedford* ¹ | Dec., 1925 | | | | |
| Watertown* ¹ | Jan., 1926 | | | | |
| Fairhaven* ¹ | Feb., 1926 | | | | |
| Falmouth* ¹ | Apr., 1926 | | | | |
| Reading* ¹ | May, 1926 | | | | |
| Lynn* ¹ | June, 1926 | | | | |
| Lowell* | July, 1926 | | | | |
| Malden* | July, 1926 | | | | |
| Everett | July, 1926 | | | | |

* Provides for single family districts. ¹ Has front yard provisions.

CITIES AND TOWNS AT WORK ON ZONING.

Amesbury
Attleborough
Barnstable
Beverly
Bourne
Braintree
Chatham
Chicopee

Clinton
Duxbury
Fall River
Framingham
Hingham
Leominster
Marblehead
Marion

Medfield
Northampton
Norwood
Saugus
Southbridge
Weston
Yarmouth

ZONING UNDER CONSIDERATION.

Bedford
Concord
Dartmouth
Fitchburg
Gloucester
Great Barrington

Lunenburg
Palmer
Newburyport
North Attleborough
Petersham
Pittsfield

Revere
Taunton
Westborough
Westwood

HOUSING EXPERIMENT AT LOWELL.

The condition of the housing experiment at Lowell remains unchanged with payments on the houses erected going on regularly.

A statement of the money spent and the money paid back into the State treasury is as follows:—

| | |
|-------------------------------------------------------------------------------------------|-------------|
| Appropriation (made in 1917) | \$50,000.00 |
| Expenses: | |
| Land purchased, 7 acres with room for 40 houses, including also one house standing on lot | \$12,500.00 |
| Cost of 12 houses | 28,128.77 |
| Improvements | 2,626.77 |
| | <hr/> |
| | \$43,255.54 |
| | <hr/> |
| | \$6,744.46 |

STATEMENT TO NOVEMBER 30, 1926.

| Lot Number | Sale Price | Paid on Principal | Interest | Principal Unpaid Nov. 30, 1926 |
|------------------|-------------|-------------------|-------------|--------------------------------|
| 2 | \$3,100.00 | \$1,182.87 | \$951.45 | \$1,917.13 |
| 3 | 2,900.00 | 1,249.38 | 950.62 | 1,650.62 |
| 4 | 2,900.00 | 910.95 | 678.80 | 1,989.05 |
| 5 | 2,900.00 | 1,263.18 | 957.82 | 1,636.82 |
| 6 | 2,450.00 | 973.59 | 750.22 | 1,476.41 |
| 7 | 2,450.00 | 953.31 | 633.97 | 1,496.69 |
| 8 | 2,900.00 | 1,176.99 | 847.76 | 1,723.01 |
| 9 | 2,400.00 | 965.87 | 740.66 | 1,434.13 |
| 10 | 2,425.00 | 1,006.42 | 750.33 | 1,418.58 |
| 11 | 3,000.00 | 1,303.83 | 992.42 | 1,696.17 |
| 12 | 2,900.00 | 2,900.00 | 908.67 | |
| 13 | 3,100.00 | 1,361.04 | 1,033.96 | 1,738.96 |
| Totals | \$33,425.00 | \$15,247.43 | \$10,196.68 | \$18,177.57 |

REPORTS OF PLANNING BOARDS.

Amesbury. A zoning scheme is in preparation, plans are being studied, and traffic regulations are under consideration.

Amherst. A zoning scheme is in preparation.

Andover. In its first year the board has considered the various problems, and will recommend action in some direction at the next town meeting.

Arlington. The town plan is used in guiding development. The board reports too many requests for zoning changes.

Ashland. Studying land developments; taking steps towards improving the layout of central highways.

Attleborough. No report.

Auburn. No report.

Barnstable. First year devoted to a general study, to educational work and to the establishing of building lines, a tentative zoning regulation and control of developments.

Bedford. Working on plans and zoning.

Belmont. Working with requests for changes in zone lines and playground studies, with some consideration of general plans.

Beverly. Zoning scheme in preparation. Other features will be taken up when zoning is finished.

Boston. An outstanding piece of work is an entirely new city map, 800 feet to the inch. This is probably as accurate as one may reasonably expect. The board has also worked out a block census for comparative studies as to movements of population, with reference to its bearing upon transportation, recreation and other facilities. Special studies have been made on the improvement of South Bay and Fort Point Channel. Additional studies have been made on passenger and vehicular traffic, as affecting the downtown district, and the board has cooperated in developing an advisory committee on traffic. The board supports South Boston-East Boston Ferry. The heavy passenger traffic between these two points now clears through Atlantic Avenue.

Bourne. A zoning scheme in preparation. Some preliminary consideration of plans.

Braintree. The year devoted mainly to preparing a zoning scheme. Some study of building lines, street adjustments and playground needs.

Brockton. Consideration of frequent requests for business in residence districts. (Newspaper reports indicate lax enforcement of the zoning law, which always brings cumulative troubles.)

Brookline. The chief activities of the year have been hearings on petitions for changes in zones; discussion of proper location for extension of West Roxbury Parkway through Brookline. The board cooperates with the board of survey in regulating land developments, and is studying elements of the general plan.

Cambridge. Active mainly with zoning appeals and street adjustment problems.

Chicopee. No report.

Clinton. The board recommends improvements in street lighting, a comfort station, regulation of traffic and parking. (The board calls attention to the growth of zoning, but seems to have little local support.)

Dartmouth. No report.

Dedham. The zoning scheme is raising but few questions. The board is studying through traffic routes, readjustment of street system and the location of parkways and schools.

Duxbury. The board has suggested a community center, correction of dangerous corners, control of traffic, improvement (landscape) of public property, consideration of future sewerage system, and control of natural water courses. The board favors but the people are indifferent to zoning.

Easthampton. No report.

Everett. A comprehensive plan is under consideration, relating to the elimination of dangerous corners, street extensions, street widenings, unsightly billboards, study of paving in connection with density of vehicular traffic.

Fairhaven. The main work has been the adoption of zoning and the development of its administration.

Fall River. Zoning has been held up because of opposition. The board hopes for favorable action, which will open the way for additional work.

Falmouth. Zoning has been adopted, and its administration is being studied and improved, through traffic needs are being studied, and building lines are being established. Citizens have given the town a fine water front property.

Fitchburg. The board is also the board of survey, which has caused its main activity. Studies of the street needs and of traffic problems are under way, and zoning is being considered.

Framingham. No report.

Franklin. The board reports no activities. A bequest for planting, playgrounds, parks, etc., offers opportunity.

Gloucester. No report.

Great Barrington. No report.

Greenfield. No report.

Haverhill. Preliminary work on widening and extension of certain streets for the purpose of relieving traffic congestion has been done, traffic and parking problems being serious. The zoning scheme is reported as giving satisfaction.

Hingham. An increase in traffic problems which planning and zoning would help to solve. As a park board, the board has been authorized to purchase 86,500 square feet of water front property at a cost of about \$25,000.00.

Holyoke. No report.

Hudson. The board makes no claims of activity, and points to lack of public support as the main cause.

Lawrence. The board is cooperating in selecting a site for and developing an auditorium. Little progress is being made towards planning and zoning.

Leominster. The year has been one of great activity for the city, in readjusting and surfacing many streets. The board is actively at work on the main elements of a plan and on a zoning scheme.

Lexington. The town's problems are largely due to land development schemes for which there is not sufficient power of regulation. There are some petitions for alterations in zoning, and studies are being made of thorough ways and park developments.

Longmeadow. No report.

Lowell. No report.

Lynn. No report.

Malden. Speculators are causing problems, but the zoning scheme aids in regulation. General plans are being studied.

Mansfield. The board claims no activity of any kind.

Marion. A zoning scheme is in preparation and the main problems of the town plan are being studied, but no definite action has been taken. The zoning scheme is strongly urged by the board.

Marblehead. No report.

Maynard. No report.

Medfield. The town voted against zoning, and the board has ceased to function.

Medford. The board advises action on planning because of traffic problems which main thoroughfares would help to solve. Changes in the zoning scheme sought for personal advantage are opposed by the city government and the planning board.

Melrose. The board is working on building lines, on a general plan and on an assessment map, and making a strong effort to uphold the zoning law.

Methuen. The board strongly urges the preparation of a zoning scheme and is at work on several street and development problems.

Milford. No report.

Milton. No report.

Natick. A town plan has been partly developed, some work has been done on zoning, a building code is in preparation, and the board advises on street layouts.

Needham. No report.

New Bedford. The zoning scheme is favorably received except by

those who seek special privileges which it does not allow. The board is actively considering and effecting street adjustments and traffic regulation, and is aiding in the administration of the zoning law and in other ways.

Newton. The board finds its chief need in legislation to enable it to protect the city plan, along the lines worked out by the planning boards and by Mr. Hoover's committee. Efforts to upset the zoning scheme are quite successfully resisted. Acting as a board of survey, the board has much development work to consider, and effective results are being secured in this direction.

North Adams. The board cooperates towards the effective administration of the zoning law, and on a new assessing system, and is studying traffic and building line problems. It advises regional studies for the Berkshire district.

Northampton. Because of encroachments, zoning is being considered and an interim ordinance will probably be passed.

Northbridge. The board has found no problems requiring its attention.

Norwood. The plan is being adjusted to meet the traffic and playground problems, and work towards the adoption of a zoning scheme has been pushed.

Oak Bluffs. The board is preparing a town map and working towards control of development schemes. Certain water front property is being secured on the advice of the board. Building regulations are being prepared.

Palmer. The board is considering planning and zoning, but is not hopeful of the support of the people.

Paxton. No report.

Pittsfield. No report.

Plymouth. The board is studying a by-pass for through traffic, cooperates in the study of special problems, and hopes to get a zoning scheme under way.

Quincy. The board is working on traffic problems, building lines, street adjustments and towards the adoption of a zoning scheme.

Reading. Zoning is the year's chief accomplishment. It is raising no serious problems as yet.

Revere. Appropriations being refused, no zoning or planning studies have been made. In the meantime traffic problems and the intrusion of improper uses continue.

Salem. The board has worked mainly for proper zoning administration and on building lines, street adjustments and water front development.

Saugus. The board is actively at work on a zoning scheme and on the development of a sewerage system. The town reports much injury from haphazard development.

Shrewsbury. In its first year the board has cooperated with the board of survey on regulating land developments, on public dumps, sewage problems and the adjusting of dangerous corners.

Somerville. No report.

Southbridge. No report.

Springfield. The board continues its work for effective zoning administration and for conforming all developments to the adopted plan. It is restudying several problems of street location and school sites, and reports that an important scheme of water front development has been brought to a head. (This was done through the cooperation of several boards and the railroad and other interests.)

Stoneham. No report.

Stoughton. The board is working on a sewerage system, on elements of the street plan, and advises a zoning scheme.

Taunton. The board continues to recommend zoning, but receives no

appropriation for preparation of a scheme. It advises building lines and cooperates towards proper street developments.

Tisbury. In its first year the board advised a new thoroughfare which was not accepted. It is cooperating on a school development plan and advises zoning.

Wakefield. No report.

Walpole. The board reports a tendency towards laxness in administration of the zoning law. The board has helped with a plan for park development and a program for sidewalk construction.

Waltham. No report.

Watertown. No report.

Wayland. No report.

Webster. A building code is being developed and traffic problems are being studied.

Wellesley. The board is studying the possibilities of the board of survey law, beginning a study of the main plan, and cooperating towards effective zoning administration.

Westfield. No report.

Weston. The board is at work on a comprehensive plan and on a zoning scheme.

West Springfield. No report.

Weymouth. No report.

Winchester. The board actively supports the zoning scheme, and cooperates towards satisfactory results on all matters affecting the main plan of the town.

Winthrop. No report.

Woburn. No report.

Worcester. The board and the board of survey, working in full cooperation, are producing good results in regulating land developments. The two boards are working for a contour map of the city, and on several features of a main city plan. Appropriations are being sought for extensive street adjustments.

Yarmouth. In its first year the board has prepared a plan for readjusting the street system and a zoning scheme. The board specially urges action along all lines that will protect the character, beauty and individuality of the town.



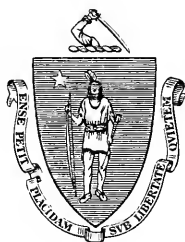


The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

Division of Town Planning

Annual Report for the Year Ending
November 30, 1935



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The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE DIVISION OF TOWN PLANNING

ANNUAL REPORT FOR THE YEAR ENDING

November 30, 1935

RICHARD K. CONANT, *Commissioner**

EDWARD T. HARTMAN, *Consultant on Planning*

ADVISORY BOARD

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Two (2) new planning boards, in Carver and Southborough, may be added to the list, making a total of 123.

But one new zoning law, in Dover, may be listed. This was adopted in 1933. In the meantime in many local zoning laws constructive changes and additions have been made or are under consideration. There continues to be many changes, in the form of spot zoning and undue expansion of existing business areas, which may not be called constructive.

It should be noted that during the last few years there has been a notable curtailment of activity in local planning and zoning, due to cutting down of current appropriations, and refusal of appropriations for new work, while in state and national fields the greatest expansion in our history has taken place.

That the people are becoming planning minded is manifested by the numerous inquiries received through office visits and by mail, through much constructive newspaper activity, and through "State Planning, A Review of Activities and Progress," prepared by the National Resources Committee. This report should be studied by all local board members. It gives a much-needed picture of the national field and indicates many possibilities for community planning.

It is being argued that when building a home, a business building, or an industry, a wise man will prepare and follow a plan, that the building may be safe and sound, and that functional efficiency may be as nearly perfect as possible. It is then asked why such a plan, and the following of such a plan, is not as important, even more important, with a thing so dynamic, so vital in the lives of all the people, as a city or town? A city or town, moreover, is not static, not nearly so much so as a building. It is expanding, or contracting, or changing. Whatever is happening, a purposeful, directed change is safer than what is haphazard.

PLANNING BOARDS

A planning board has only advisory powers. Many boards have developed skill, they propose certain things which should be done, or advise as to how

*Walter V. McCarthy December 1, 1935.

to do what is to be done, with sound reasons as to when, where and how each thing should be done. The board provides for the town the same form of careful thinking which every capable board of directors gives to an industry.

Failure to use this care is one of the main causes of heavy town expenses. Action which is not sound increases the tax rate, depreciates property values, and undermines the economic base of the individual citizen and the town.

The careful man, the kind who makes the best citizen, refuses to buy or build a home or an industry in a poorly planned, ugly, unprotected, expensive town. The greatest element of competition between towns is the protection they offer to homeseekers and businesses alike. Investing interests refuse to loan money in unprotected towns, or loan less and at higher rates of interest; insurance companies insure for less and at higher rates.

Whatever a planning board advises, action remains with the town meeting. A careful board makes for action along the best lines. A town is safer acting on advice than without advice. The advantage of a board is that it may gain an accumulating experience and become more and more valuable as time passes.

The complaint frequently is made that boards have no power. This complaint comes as frequently from boards which have made no studies and no proposals for improvement as from those which have done much work and whose proposals have been turned down. Why should a board which has done no work complain that it is ignored? On the other hand, why should a town ignore the recommendations of a board which has done careful work? It should be remembered that the powers of a board are inherent in the members of the board. When they have imagination and initiative, when they work, when their work is sound, and when it is carefully presented to the people, results will come, sooner or later.

Great power, with no ability or willingness to work, would do far more damage than good. When a board is able and does sound work, its proposals should be given careful consideration, and followed except where better proposals may clearly be proven. When a board sees its town as a whole, and makes a conscientious endeavor to develop all parts of the town, each in proportion to its needs, and each feature in proper correlation with all other features, and when it pursues its work with steadfastness, it will gradually achieve its proper position in town affairs. When a board does nothing it should not complain, and the people should replace it.

ZONING

Protected Residential Districts

All planners and citizens interested in protected home areas have long recognized that every element of protection must be provided if an investment in a home is to be safe. Now comes the Federal Housing Administration backing up every element that has been proposed by planners and thinking citizens.

Under the system by which the government insures a mortgage, the money being loaned by some loaning institution, the government refuses to insure unless the following conditions are complied with:

1. The house must be properly designed and constructed.
2. The local street system must be proper.
3. The local street system must have a proper relationship to the street system of the town so that there is easy access.
4. The necessary utilities must be installed or reasonably available.
5. The area must be zoned, and the zoning must be enforced.
6. As far as may be needed, private restrictions must be imposed to protect the property. This means, for example, that if the town is not zoned the area involved must have private restrictions which will keep out business intrusions and provide other conditions which make for safety of the investment.

If the government is not justified in insuring a mortgage except under these conditions, what can we say as to the advisability of building or buying a home in a town which lacks these elements of protection, or as to the wisdom of a bank in loaning money on a mortgage for the construction of such a home. If it is unsafe for the Federal Government to have anything to do with such homes it is unsafe for any individual to have anything to do with them. Literally millions of individuals have learned this from practical experience and yet, in spite of this, most of our towns refuse to give themselves the necessary protection, and many of our towns which have seemed to offer this protection have allowed the breaking down of the protection through some process. It would seem to be time for all citizens to weigh these matters soundly and to see to it that they get the benefit of what the laws now make available.

Existing Zoning Laws

From many sources comes the assertion that local zoning laws need revision. This seems obvious if we consider the full purpose of zoning. What the enabling law permits, what the people desire, is not enforceable if it is not covered in the local law. If homes and businesses are to be protected, if property values are to be stabilized, the local law must have a full equipment of all features so far developed. Does your law contain these features? If it is proposed to use a large house in your best residential area as a custodial home for the feeble-minded, if a teacher of the cornet, the saxophone and the drums wants to operate to a late hour at night, if a perfectly proper community club building wants to have, or to let space for, all-night dancing, if a man wants to remove sod, loam, clay, sand, gravel or quarried stone for sale, have you a proper method of regulating these uses, or of preventing them entirely if conditions are such as to make them dangerous?

Too many local laws regulate only the uses which may be permitted, and these in an elementary way. A home area permitting single and two-family homes and multiple dwellings has no satisfactory protection, as has been pointed out by many courts, including the U. S. Supreme Court. There is likewise poor protection where from two to ten times as much land as is needed is zoned for business.

Bulk zoning, arrived at through height and coverage limitations, is an imperative part of the city plan. Planning is a problem in three dimensions. Either the street, water, sewer and utility systems must be designed for an assumed bulk of buildings, or the bulk of buildings must be adjusted to the street and other systems. If the bulk of buildings, which decides the service demands on the street and other systems, is greater than can be served stagnation follows. This stagnation is now one of our greatest social problems, involving heavy expense, accidents, which are also expensive, retardation, again expensive, and ultimately heavy loss of property values.

Our mistake lies in that, contrary to the English and European method, we have treated what we lay down on the land, what we call the plan, in one compartment of the mind, and what we build on the land, what we call bulk zoning, in another compartment of the mind. We do not relate them, as they must be related if we are to solve our problems of congestion, traffic hazards, light, ventilation and fire protection. Into a system of streets laid down in the horse and buggy days we have injected the skyscraper and the automobile.

The existing street and block systems of our cities will have to be recognized as fixing the city pattern, or we will have to undertake large-scale demolition and lay down a new pattern. To attempt to solve the problem by large-scale widening of streets is economically and practically impossible. The remaining block sizes, after widening, do not lend themselves to proper use.

not at all in many instances, in many others only when the whole block is in a single ownership.

Systems of traffic regulation are very expensive, only palliative, and tend to delay the day when effective solutions will be applied.

The best planning, economic and social analysts of the country now agree in their interpretation of the known facts in regard to these matters. It is not an answer to accuse them of being alarmists. The whole people are vitally concerned. The people should be led in their thinking towards sound solutions by planning boards. Such boards should be ably supported, in the solution of this and all other problems of town building, by the people and by all official agencies of government.

FREEWAYS

A bill to permit the department of public works to build freeways has been filed for consideration this year. A freeway is defined as a way to which no one has any right of access except over an intersecting way. It is variously called a freeway, a limited way, and a steadyflow way.

The petitioner is the Massachusetts Federation of Planning Boards. The Federation argues that freeways are now imperative for economy, safety and the protection of natural beauty. This is a problem of major economic and social importance. A solution is big with possibility for the general welfare.

With access to such a way only at properly designed intersections, as widely separated as possible, traffic would be expedited, safety would be increased, and the natural beauty of the countryside would be protected. Such intersections, where both ways carry heavy traffic, would be of the cloverleaf design. Where one way has lighter traffic a traffic circle or some other design to permit a weaving, steadyflow, motion would be planned.

Economy is obvious. According to the latest accepted figures a four-lane freeway will clear from three to four times as much traffic as a four-lane unprotected way.

The advocates of freeways, from the U. S. Bureau of Public Roads down to local advocates, the country over, hold that the mere existence of additional unprotected ways causes heavy loss. Such ways depreciate values, while a proper freeway will increase values where there is any reasonable need of land development. A freeway is, for example, a speedy, safe and beautiful way of approach to a fine home development, reached via an intersecting way.

The demand of all abutters to be allowed to build what they like along our state highways is admitted to be wrong because this kills the traffic-clearing capacity, for which the road was built, through parked cars, people crossing from one side to the other, and many other forms of interference. There is no demand for such space for general business. Were all existing Massachusetts state highways solidly developed for business they would meet the needs of 50,000,000 people—and the ways would be killed for traffic. General business belongs in the trade centers of cities and towns, through which no main highway should pass. At main intersections the needs of the users of freeways may be supplied without traffic interference, or undue hazard, or destruction of natural beauty.

The hazards of unprotected ways are as obvious as their expense. At last the people are aroused over the deaths and injuries on our highways. The economic cost of accidents, put at \$1,500,000,000 per year by the National Safety Council, 66 per cent higher by other authorities, at \$17,870,000 for Massachusetts, is causing widespread alarm. Hitherto the annoyance of retardation has been more considered—it is a major item of cost—and efforts

have been devoted to traffic regulation rather than to planning for safety, which is best done through freeways and insulated neighborhood units.

And natural beauty is worth considering. Virgil Jordan of the National Industrial Conference Board has emphasized this by saying that we live as in a series of ramshackle mining camps, as though expecting to move on tomorrow, while these camps are connected by recently constructed good roads running through an abomination of desolation. To be able to leave a city center over a protected, safe, beautiful way, and arrive at a home in a safe and beautiful development, is the hope of every thoughtful citizen. To date such opportunities are notable for their scarcity.

The advocates of the measure urge the high economic importance of safety and beauty, and say that these must be added to that coming from so designing a way that it will do the work of three or four unprotected ways. They say that the cost of \$90,000 per mile for the Providence road, \$145,000 for the Concord road, and \$175,000 for the Worcester road, the figures of the chief engineer of the department, is but one element of the cost of unprotected ways, and that if we are brutal enough to ignore injuries, deaths and the destruction of beauty, the economic results alone will force action. They urge that this action has been too long delayed, and that the unfortunate financial conditions of the state and most of the municipalities would have been greatly relieved by earlier action.

There seems no reasonable ground for argument against any of the points advanced. There are many other points in the comprehensive arguments now made the country over, and none of them seems weak or foolish. The reasons cited, and many others, are putting a rapidly increasing body of opinion back of freeways. The people see that freeways are economical, safe, and may be beautiful, all in a high degree, and they consider any one of these points as enough to justify the development and protection of such ways.

PLANNING BOARD ACTIVITIES

BOARDS ESTABLISHED

| | | | | |
|--------------|-------------------|--------------------|---------------|------------------|
| Amesbury | Concord* | Leominster | Northbridge* | Taunton |
| Amherst* | Danvers | Lexington* | Norwood | Tisbury* |
| Andover* | Dartmouth* | Longmeadow* | Oak Bluffs* | Wakefield |
| Arlington | Dedham | Lowell | Paxton* | Walpole* |
| Ashland* | Duxbury* | Lynn | Peabody | Waltham |
| Attleboro | Easthampton | Lynnfield* | Pittsfield | Watertown |
| Athol | East Longmeadow* | Malden | Plymouth | Wayland* |
| Auburn* | Everett | Manchester* | Quincy | Webster |
| Barnstable* | Fairhaven | Mansfield* | Randolph* | Wellesley |
| Bedford* | Fall River | Marblehead* | Reading* | Westborough* |
| Belmont | Falmouth* | Medford* | Revere | West Boylston* |
| Beverly | Fitchburg | Medford | Salem | Westfield |
| Billerica* | Frammingham | Melrose | Saugus | Weston* |
| Boston | Franklin* | Methuen | Scituate* | West Springfield |
| Bourne* | Gardner | Middleborough* | Sharon* | Westwood* |
| Braintree | Gloucester | Millford | Shrewsbury* | Weymouth |
| Bridgewater* | Great Barrington* | Millis* | Somerville | Wilbraham* |
| Brockton | Greenfield | Milton | Southborough* | Wilmington* |
| Brookline | Hanover* | Natick | Southbridge | Winchester |
| Cambridge | Haverhill | Needham | Springfield | Winthrop |
| Canton* | Hingham* | New Bedford | Stockbridge* | Woburn |
| Carlisle* | Holyoke | Newton | Stoneham | Worcester |
| Carver* | Hudson* | North Adams | Stoughton* | Yarmouth* |
| Chicopee | Hull* | Northampton | Sudbury* | |
| Clinton | Lawrence | North Attleborough | Swampscott | |

* Under 10,000 population.

NO BOARDS: Adams, Chelsea, Marlborough, Newburyport.

CITIES AND TOWNS WHICH HAVE BEEN ZONED

| COMPREHENSIVE | | COMPREHENSIVE—Continued | | PARTIAL | |
|------------------|------------|-------------------------|-------------|--------------------------|-------------|
| Brockton | Nov., 1920 | Winthrop | Oct., 1929 | Marshfield | June, 1926 |
| Brookline | May, 1922 | Lynnfield | Nov., 1929 | Fall River | Sept., 1927 |
| Longmeadow | July, 1922 | Franklin | Mar., 1930 | | |
| Springfield | Dec., 1922 | Wilbraham | Feb., 1931 | | |
| Newton | Dec., 1922 | Natick | Mar., 1931 | | |
| West Springfield | May, 1923 | Hull | Mar., 1931 | PREPARED BUT NOT ADOPTED | |
| Cambridge | Jan., 1924 | Westfield | Aug., 1931 | | |
| Lexington | Mar., 1924 | Great Barrington | Mar., 1932 | Amesbury | |
| Melrose | Mar., 1924 | Carlisle | Feb., 1933 | Amherst | |
| Winchester | Mar., 1924 | Sharon | Mar., 1933 | Andover | |
| Arlington | May, 1924 | Dover | Mar., 1933 | Attleboro | |
| Boston | June, 1924 | Wilmington | July, 1934 | Beverly | |
| Woburn | Jan., 1925 | Wayland | Sept., 1934 | Billerica | |
| Belmont | Jan., 1925 | | | Bourne | |
| Needham | Mar., 1925 | | | Braintree | |
| Walpole | Mar., 1925 | Use | | Canton | |
| Stoneham | Mar., 1925 | | | Chatham | |
| Waltham | July, 1925 | Milton | July, 1922 | Chelsea | |
| Haverhill | Oct., 1925 | Holyoke | Sept., 1923 | Chicopee | |
| Medford | Oct., 1925 | Swampscott | Apr., 1924 | Clinton | |
| Wakefield | Nov., 1925 | Dedham | May, 1924 | Duxbury | |
| North Adams | Dec., 1925 | Chelsea | June, 1924 | Easthampton | |
| Somerville | Dec., 1925 | Paxton | Dec., 1924 | Fitchburg | |
| New Bedford | Dec., 1925 | Worcester | Dec., 1924 | Frammingham | |
| Watertown | Jan., 1926 | Wellesley | Mar., 1925 | Gardner | |
| Fairhaven | Feb., 1926 | Salem | Nov., 1925 | Hingham | |
| Falmouth | Apr., 1926 | Hudson | Mar., 1927 | Leominster | |
| Reading | May, 1926 | Bedford | Mar., 1928 | Littleton | |
| Lynn | June, 1926 | Middleton | Apr., 1933 | Manchester | |
| Lowell | July, 1926 | Stockbridge | Feb., 1934 | Marion | |
| Malden | July, 1926 | | | Medfield | |
| Everett | July, 1926 | | | Middleborough | |
| Norwood | May, 1927 | INTERIM | | Nahant | |
| Gloucester | Nov., 1927 | | | Northampton | |
| Pittsfield | Dec., 1927 | Taunton | Sept., 1925 | North Attleborough | |
| Marblehead | Apr., 1928 | Marlborough | Jan., 1927 | Plymouth | |
| Weston | Apr., 1928 | Andover | Mar., 1927 | Quincy | |
| Concord | Apr., 1928 | Petersham | Mar., 1927 | Scituate | |
| Agawam | Apr., 1928 | Oak Bluffs | Apr., 1927 | Shrewsbury | |
| East Longmeadow | Apr., 1928 | Northampton | Sept., 1927 | Southbridge | |
| Saugus | June, 1928 | Barnstable | June, 1929 | Sudbury | |
| Lincoln | Mar., 1929 | Attleboro | May, 1930 | Wenham | |
| Westwood | Mar., 1929 | Peabody | June, 1930 | Westborough | |
| Revere | July, 1929 | Sudbury | Mar., 1931 | Yarmouth | |

PREPARED BUT NOT ADOPTED

| |
|--------------------|
| Amesbury |
| Amherst |
| Andover |
| Attleboro |
| Beverly |
| Billerica |
| Bourne |
| Braintree |
| Canton |
| Chatham |
| Chelsea |
| Chicopee |
| Clinton |
| Duxbury |
| Easthampton |
| Fitchburg |
| Frammingham |
| Gardner |
| Hingham |
| Leominster |
| Littleton |
| Manchester |
| Marion |
| Medfield |
| Middleborough |
| Nahant |
| Northampton |
| North Attleborough |
| Plymouth |
| Quincy |
| Scituate |
| Shrewsbury |
| Southbridge |
| Sudbury |
| Wenham |
| Westborough |
| Yarmouth |



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

DIVISION OF HOUSING AND TOWN PLANNING

ANNUAL REPORT FOR THE YEAR ENDING
NOVEMBER 30, 1929



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The Commonwealth of Massachusetts
DEPARTMENT OF PUBLIC WELFARE
HOUSING AND TOWN PLANNING

RICHARD K. CONANT, *Commissioner*
EDWARD T. HARTMAN, *Consultant on Planning*
ADVISORY BOARD

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JEFFREY R. BRACKETT, Boston.
GEORGE CROMPTON, Worcester.
JOHN J. O'CONNOR, Holyoke.
MRS. ADA ELIOT SHEFFIELD, Cambridge.
MRS. MARY P. H. SHERBURNE, Brookline.

**REPORT OF THE DIVISION OF HOUSING AND
TOWN PLANNING**

The year shows the establishment of five new Planning Boards, in Canton, Orange, Scituate, Sudbury and Westborough, making 112 in all. But, as will be shown, this does not mean that there are 112 boards functioning.

Four new comprehensive zoning laws have been adopted, in Lincoln, Westwood, Revere and Lynnfield, while Barnstable adopted a somewhat elementary form of interim law. Revere replaces an interim law with a comprehensive law. Newburyport repealed her interim law without adopting any other form of zoning. So far as is known this is the first instance of a direct repeal of any kind and the only instance where an interim law has been repealed without substituting a comprehensive law. These changes bring the list of places in Massachusetts with some kind of zoning to 67, covering 70 per cent of the population of the state. Twentyeight places have prepared zoning schemes which have not been adopted. The number of zoned places in the country is over 800, covering a population of about 38,000,000 people.

AMENDING ZONING BY-LAWS

By Chapter 39, Acts of 1929, the provisions for amending local by-laws were changed. This renders void any provisions in local by-laws in regard to amendments. The new provision, Section 30 of Chapter 40, General Laws, as amended by Chapter 29, 1929, is that an amendment to a by-law or a town zoning map may be brought directly before a town meeting without a hearing. However, if previous to the time of the town meeting any objector files objection in writing with the Town Clerk, the matter cannot be acted upon until the objectors are heard by a special committee or by the planning board, and a report is rendered to the town meeting. This is apparently an ill-advised amendment. The hearings previously required were a good way of getting at the facts and securing action along sound lines. Moreover, the new provision states that the objectors shall be heard. It probably follows that unless the proponents are heard at the same time the action would be nullified by the courts. The general opinion is that the matter was unwisely rushed through.

PLANNING BOARDS

Places required to have planning boards under the law and now without them are Adams, Beverly, Cambridge, Chelsea, Danvers, Greenfield, and Marlboro. All of these places, except Danvers, have, at some time in the past, had planning boards. The Beverly, Cambridge and Greenfield boards resigned en masse because of dissatisfaction with the way their recommendations were received by the city governments and the people.

While there are 112 boards, a few of them have only a nominal existence. Two at least were established merely to comply with the law, with the definite understanding that nothing should be done. Several of the boards have succeeded in doing nothing because of lack of initiative on the part of the members and lack of stimulus on the part of the public. At least ten may be said to have been stillborn, while eight additional ones gave a kick or two and died; that is, they quit after the first bump. Contrasted with these, it is interesting

to note other boards that have received bumps and nothing but bumps but which adhere to their function of carefully studying specific town development problems and keeping them before the people.

One board that has received no encouragement from the townspeople has divided itself into several special committees for the careful study and observation of assigned problems. It is apparently unwilling to give up an important task simply because the people are not yet planning minded. "Steering or Drifting?", the title of a recent book, is a question every place should ask itself.

Contrasted with boards that consistently use every effort to keep sound suggestions before the people are those that make some hasty proposal and, when it fails of acceptance, quit entirely. Proposals should be worked out with care and presented to the people in such a way as to secure acceptance of the proposal or suggestions that will improve it so that it will be accepted.

Some boards seem unconscious of the fact that they exist. There are others conscious of their existence, but the townspeople are not, and the boards wonder why it is. It is generally the fault of the boards. If they are active in the consideration of the development problems of the town, if they see the town whole and study its comprehensive development, they will frequently present proposals to the townspeople. If matters are referred to them they will be a jump ahead of the situation, because they will already have given it some thought. Thus the town will be aware of the fact that it has a board.

It is a part of the duty of a planning board to consider matters in every single instance. If in the meantime citizens or officials bring matters they have under consideration to the board for cooperative consideration, all the better. But the planning board may not absolve itself because things have been done without consulting it. If the board is up-to-date it will constantly keep development problems before the town, and it will find itself with a more or less definite opinion on any matter presented to it. If it is not this kind of a board it is time for the townspeople to act.

An indication of the dormancy of some boards is that after two requests, twenty-four of them have not reported their membership for 1929.

ZONING ADMINISTRATION

While every place needs zoning and will never grow properly without it, the greatest need of the moment is proper zoning administration. Zoning schemes are constantly being broken down by those who seek special privilege. People of all stations, members of boards who see a chance to make some money from a contract for work, reformers, educational institutions, prominent citizens who should be above such things, and those persons who regularly seek special privilege, calmly apply for permits in violation of the law. Frequently they get what they request. If refused, they appeal and frequently get from the board of appeals a permit to violate the law, under the guise of a variation. If they fail here, they go to the legislative body and get a change in the law. Such changes are seldom in accordance with a sound scheme of growth. They are and always will be mainly special privilege granted by careless, mistaken, favoring or corrupt officials or legislative bodies.

For example: A man applies for a permit to erect a large apartment house in a one-family district. A man applies for a permit to erect stores in a residential district. A man applies for a permit to erect an apartment 155 feet high in a 60 foot district. Or it may be an application for a permit to erect a filling station, or a garage, or a factory, or a laundry, in a one-family residential district. It is not that these are occasional happenings. There are hundreds of such cases. One might think they were the results of ignorance, but it is seldom so. Many agreements of sale are entered into with the understanding that it is to go through only in case the owner secures for the purchaser a special privilege in violation of the zoning law.

In one case a building inspector complains because he has had to refuse permits amounting to \$75,000 of taxable property. He overlooks the fact that

his town is already so spotted with intrusions and shacks that every effort needs to be made to protect it and induce the building of better homes, that the proposed \$75,000 of taxable values would probably kill \$150,000 of taxable values, and that every proposal for a violation is only hastening the doom of the town. Why do these people apply for these violations? What is the attitude of an official who complains because he cannot grant every application that is made? What is the need of a law, or a permit, or of an officer to grant permits, if all the applications for permits are to be granted?

People frequently come to various state officials for aid in avoiding local laws. Their attitude may be disclosed by an example. It was desired to erect two dwellings on a lot. "It can easily be done by getting a deed to several feet of land on the side and deeding it back in a year."

BOARDS OF APPEAL

In this connection, boards of appeal should note the numerous court decisions where the courts decline to substitute their judgment for that of the legislative body, and the constant reiteration of the statement that on many questions reasonable minds may differ, and that as long as there are considerations that would justify a certain legislative action the courts must assume that those considerations were used.

The Massachusetts statute permits variations from the requirements of a local law by a board of appeals only when they may meet a physical difficulty or avoid an unnecessary hardship, and then *only in case what is done is in accord with the purpose and intent of the zoning law.*

The intent of zoning is to protect the health, safety and general welfare of the people, to prevent congestion and confusion, to guard against fire, to provide light and ventilation, and to see to it that those who observe the law have the protection of the law. If Brown observes the law and builds a one-family house with a proper set-back and side and rear yards, and a hundred others have done the same, why should Jones be allowed to buy a vacant lot in their midst and erect a ten-story apartment covering the entire lot, and for a hundred families? In such a case, Jones is given special privilege. He is permitted to steal his light and air from his law-abiding neighbors, to increase the fire and traffic hazards, to create a nuisance, or in the words of the U. S. Supreme Court, "put the pig in the parlor instead of in the barn-yard."

Every such action is of a piece with our general lawlessness and wastefulness. It is in line with our treatment of all our natural resources, our forests, our streams, our roadsides. As Struthers Burt says: "The rich men of Syria did not take time to think when they cut their forests that they were bequeathing a desert to their descendants. The self-seeking German and English business men of thirty [five] years ago did not know when they christened their little sons that one day those sons would die because of their fathers' shortsightedness. The Worldly Wiseman of today is the father of the hunted fool of tomorrow."

THE VALUE OF ZONING

Ask real estate men operating in Metropolitan Boston as to the best place to live. They will mention no unzoned place. The reason is that all wise real estate men know that the only thing that will make a desirable residential area is some sort of protection, such as is found in private restrictions and zoning. Unfortunately, some zoned places will not be mentioned, because they waited too long. Some very fine places will not be mentioned, because they are without protection. Zoning has never been considered or has been defeated by some selfish interest seeking to mine the town just as we mined our forests. After that is done there is little hope. It takes many years to overcome such conditions.

CONSTRUCTIVE ACTION

Contrasted with the attitude of a number of places, it is encouraging to note the enthusiasm with which zoning is administered and generally received in some of the more wideawake communities. One town of fourteen thousand

inhabitants reports that it built in 1927 \$1,500,000 worth of homes and in 1928 \$1,400,000; that the average cost of these homes, based on the permit value, is \$6,000; and that the zoning law has been a godsend. In short, zoning is encouraging a substantial type of residential development and is in marked contrast with the areas, of which there are examples, where the tax income from the homes does not even pay school expenses.

Another contrast may be noted where selectmen, acting under a condition precedent, and boards of appeal, weigh every question in the scales of impartial justice, and take such action as will result in the best good of all, the applicant, the neighbors, and the whole community. Recent decisions by such boards, prepared with all the skill and care of the best court decisions, mark the beginning of a new epoch in zoning administration.

A board of appeals may have the ability of a good court, as recent happenings prove, but this does not put such able boards, and the far greater number of less able ones, above the law. It is a too common custom for boards to grant direct violations with the mere statement that they thus avoid unnecessary hardships. By this reasoning it is an unnecessary hardship to obey the law. The man who would do as he pleases is given the privilege. The man who obeys the law is denied the protection of the law. Every such denial is apt to be entirely illegal, as amounting to a use, or height, or area zone change. And there is no recourse for citizens except to go to court against their chosen officials in order to secure common justice.

Some of these cases of violation are almost ludicrous. According to a rather full newspaper report a combination sales and eating place is given a "variation" to build and operate in a residence district. The account discloses no reason, but it would seem to be because the building is to resemble a bean pot, 56 feet high and 51 feet wide. An ordinary store or restaurant is illegal in a residence area, though such uses without this excellence of design are frequently permitted.

ZONING LOADED WITH DYNAMITE

It has recently been said that zoning is loaded with dynamite. It would seem to be so.

The citizens receive the disastrous effects if their officials violate the law, if their zoning amounts to no zoning, if special privilege voids all efforts towards a scheme of growth and protection for the people, if the place becomes so objectionable that no one will build a decent home in it, or start a decent business or industry, if insurance rates and tax rates go up, if those investing in real estate securities refuse to invest in such a place.

The dynamite operates on the officials if the people refuse to submit to such maladministration. The people select the officials and they may submit to having all their efforts nullified, or they may nullify the nullifiers. There are many cases where the people have submitted to maladministration. There are cases where they have refused. The future of zoning is going to be decided for each place by the attitude of the people.

THE EFFECT OF MAIN HIGHWAYS ON VILLAGE LIFE

In considering this question, the chief point of interest is village life. The villages of Massachusetts have many unique and desirable qualities. In many ways they contrast favorably with villages in other parts of the country and bear, in some respects, likeness to the villages of England which are probably the most beautiful in the world. The outsider, when he approaches a New England village, is impressed by the beauty of the roadside scenery, the quiet village streets arched with elms and lined with attractive homes. It is these characteristics plus the climate, the hills and the waterfronts of Massachusetts, which are bringing increasing numbers of American people to spend their summers in Massachusetts (this applies, of course, to all of New England but we are now considering it especially from the point of view of Massachusetts highway development and its effects on village life).

Before the coming of the automobile, Massachusetts was developing an efficient highway system. These main highways naturally tied in with existing roads, in fact, consisted largely of improved roads. Village main streets were used the same as country highways. This was satisfactory in the day of the horse and carriage but where it means anywhere from five hundred to fifteen hundred automobiles per hour, it is an entirely different problem. As has been said by one irate citizen of Cape Cod, "These hell-bent-for-election highways are rendering our village streets more of a hazard to our children, to our mothers with young children, and to everybody, than ever were the railroads, and we never asked them to walk on the railroads."

Unthinking people are too apt to work on the assumption that it is too expensive to build new highways. If people would think this matter through, they would see that in the end we cannot afford not to build new highways. In short, every village should be by-passed by the main highway and such highways should have spur-roads leading into the village centers. If this is not done, the villages will be ruined, their elms will be cut down, their homes rendered uninhabitable, and the expense of re-establishing all this village life will be infinitely greater, and will extend over a much longer period of time, and will produce a much greater unhappiness than can possibly be produced by building new highways. Many of the country roads as they now stand may be used for these main highways. The chief point of importance is to by-pass the village centers and save them.

If we do not save them, we will have to re-establish them in new locations, or go without them. If we go without them, Massachusetts will no longer be Massachusetts as we have known her. It will be killing the goose that lays the golden egg. As to re-establishing these village centers, it is practically impossible. The village centers have largely developed where they ought to be. This is notably true on Cape Cod where the villages are on or near the waterfronts, and wherever villages are located in the vicinity of ponds, streams and other natural attractions.

Take the Cape as a concrete example. The main place for an attractive Cape village is on the waterfront. There are other attractive villages more inland but they lack some of the characteristics of the waterfront villages. The present system of highway development on the Cape will ruin all the villages, waterfront and inland. This destruction is already going on. It is so gradual that people have been slow to see it. Much of it is done in the name of "progress and improvement." It is of a piece with the development of the entire continent where in the name of progress we have ruined our natural assets. Ruin these Cape villages and what will be the results as far as they affect the permanent residents of Cape Cod, and, if these are substantially driven out, what will be the effects on the summer residents of Cape Cod?

The obvious solution for Cape Cod, for example, is an almost entirely new main highway cutting through the town of Bourne in the least destructive way and then following the main backbone of the Cape, at any rate as far as Orleans. Such a main highway, with a proper branch following the main base of the highlands south through Bourne and Falmouth, with spur-roads, already largely existing, leading to the village centers, would save the village streets for village purposes, in short, for village life which is largely the life of Cape Cod.

This is but a hasty peep at the subject. Involved in it are numerous aspects not here mentioned. It is high time for the people of the state to think this matter through and to make up their minds what they are going to do. Things in this direction are happening almost every day and almost universally they have injurious qualities.

Planning boards should be particularly active in the consideration of this problem. In many cases where such work is under development the planning boards are comfortably asleep, under the assumption that there is nothing to do.

INJURIOUS LAND DEVELOPMENTS

Perhaps the worst enemy of sound municipal development in both the United States and Canada is the land developer. There are land developers who fit a reasonable interpretation of that term. A considerable number of them are land butchers. Attention has been called to a place in Metropolitan Boston where a land and homes developer (and particularly note the "homes") has 400 houses with streets in such condition that one can't get to the homes with a machine except under the best weather conditions. A doctor had to walk to three of these homes in order to attend his patients. It is this sort of thing that is ruining our towns. People are promised everything and get nothing but the land until the town taxes itself and produces the values for which the developer collected and the purchasers paid but did not get.

Struthers Burt has put this whole matter in a nutshell. He says, "I believe that there is no more fundamental passion in the breasts of men of the northern races than their passions for a home, and I believe that one of the wickedest things other men can do is to balk or prey upon this passion. There is most certainly a special hell for such jackalls."

LAND FOR PUBLIC NEEDS

In spite of this, many officials and citizens are most considerate of the interests of the jackalls and deaf to the pleas of those who would protect the people and the communities. A year ago, we reported on the action of a jury in awarding \$77,000 to a holder of land assessed at \$4,500 in the town of Oak Bluffs. As a result of this action, the town was obliged to secure from the legislature authority to borrow money to meet the judgment. This experience of Oak Bluffs, together with the experience of Falmouth and other places where juries and courts have awarded unreasonable amounts in cases of land takings, has caused the legislature to pass a new law, Chapter 80A of the General Laws. Among other things, this law provides that before final judgment of condemnation is issued, the proposed action for which the land was to be secured may be abandoned and any action rendered void.

Abandonment of the action enables a city or town to avoid being mulcted by an unpatriotic owner, but it does not enable it to secure the land it needs for the use of the people in the most advantageous location.

When private land conspires against a town it benefits only as it bears a small ratio to the total, which it thus succeeds in penalizing. When all private land conspires against a town it conspires against itself, for it properly carries the bulk of the community expenses.

When expert testimony as to the value of land varies from 1 to 5, and even as high as 14, it is time for courts and juries to question the quality of the experts.

The recent action of the National Association of Real Estate Boards ought to make available appraisals that would do justice to all concerned.

STEERING OR DRIFTING?

Every place should ask, are we steering or drifting? A town is improving or deteriorating, it seldom stands as is. Improvement accompanies deliberate action of the people towards desired ends. Deterioration must follow mere drifting, carelessness on the part of the people as to how things are done, whether it is due to common indifference or to complete selfishness in attending only to personal pursuits.

Constructive selfishness, which is only another name for good citizenship, makes all desirous of living in a good and constantly improving town.

A marked tendency to which attention should be called is the too common assumption that some form of community advertising will overcome all tendencies towards deterioration. Excessive advertising may for a time aid a commodity that is the poorest in its field. But it is only temporary. With a town, every thoughtful home-builder will consider the conditions. If conditions are bad and growing worse advertising is the poorest substitute for constructive action.

Everyone knows that there is abundant opportunity for creative action working constantly towards better and better conditions in every community of the Commonwealth. Such action is characteristic of creative statesmen.

PLANNING BOARD ACTIVITIES

BOARDS ESTABLISHED

NO BOARD

| ACTIVE | | | INACTIVE | NO BOARD |
|------------------|---------------------|------------------|-------------------|-------------|
| Amesbury | Holyoke | Reading* | Andover | Adams |
| Amherst* | Lawrence | Revere | Ashland* | Beverly |
| Arlington | Leominster | Salem | Auburn* | Cambridge |
| Attleboro | Lexington* | Saugus | Dartmouth* | Chelsea |
| Barnstable* | Longmeadow* | Scituate* | Dennis* | Danvers |
| Bedford* | Lowell | Shrewsbury* | Gardner | Greenfield |
| Belmont | Lynn | Somerville | Great Barrington* | Marlborough |
| Boston | Lynnfield* | Southbridge | Hudson* | |
| Bourne* | Malden | Springfield | Mansfield* | |
| Braintree | Marblehead* | Stoneham* | Medfield* | |
| Bridgewater* | Medford | Sudbury* | Middleborough* | |
| Brockton | Melrose | Taunton | Milford | |
| Brookline | Methuen | Tisbury* | Nantucket* | |
| Canton* | Milton | Wakefield | Newburyport | |
| Chicopee | Nahant* | Walpole* | Northbridge | |
| Clinton | Natick | Waltham | Peabody | |
| Dedham | Needham* | Watertown | Stoughton* | |
| Duxbury* | New Bedford | Wayland* | Webster | |
| Easthampton | Newton | Wellesley* | Weymouth | |
| East Longmeadow* | North Adams | Westborough* | | |
| Everett | Northampton | Westfield | | |
| Fairhaven | North Attleborough* | Weston* | | |
| Fall River | Norwood | West Springfield | | |
| Falmouth* | Oak Bluffs* | Westwood* | | |
| Fitchburg | Orange* | Wilmington* | | |
| Framingham | Palmer | Winchester | | |
| Franklin* | Paxton* | Winthrop | | |
| Gloucester | Pittsfield | Woburn | | |
| Haverhill | Plymouth | Worcester | | |
| Hingham* | Quincy | Yarmouth* | | |

* Under 10,000 population.

CITIES AND TOWNS WHICH HAVE BEEN ZONED

| COMPREHENSIVE | | COMPREHENSIVE | | PREPARED BUT NOT ADOPTED | |
|------------------|------------|-----------------|-------------|--------------------------|-------------|
| Brockton | Nov., 1920 | East Longmeadow | Apr., 1928 | Amesbury | |
| Brookline | May, 1922 | Saugus | June, 1928 | Amherst | |
| Longmeadow | July, 1922 | Lincoln | Mar., 1929 | Andover | |
| Springfield | Dec., 1922 | Westwood | June, 1929 | Attleboro | |
| Newton | Dec., 1922 | Revere | July, 1929 | Beverly | |
| West Springfield | May, 1923 | Winthrop | Oct., 1929 | Bourne | |
| Cambridge | Jan., 1924 | Lynnfield | Nov., 1929 | Braintree | |
| Lexington | Mar., 1924 | | | Chatham | |
| Melrose | Mar., 1924 | | | Chelsea | |
| Winchester | Mar., 1924 | | | Chicopee | |
| Arlington | May, 1924 | | | Clinton | |
| Boston | June, 1924 | | | Duxbury | |
| Woburn | Jan., 1925 | | | Easthampton | |
| Belmont | Jan., 1925 | | | Fitchburg | |
| Needham | Mar., 1925 | Milton | July, 1922 | Framingham | |
| Walpole | Mar., 1925 | Holyoke | Sept., 1923 | Gardner | |
| Stoneham | Mar., 1925 | Swampscott | Apr., 1924 | Hingham | |
| Waltham | July, 1925 | Dedham | May, 1924 | Leominster | |
| Haverhill | Oct., 1925 | Chelsea | June, 1924 | Littleton | |
| Medford | Oct., 1925 | Paxton | Dec., 1924 | Marion | |
| Wakefield | Nov., 1925 | Worcester | Dec., 1924 | Medfield | |
| North Adams | Dec., 1925 | Wellesley | Mar., 1925 | Nahant | |
| Somerville | Dec., 1925 | Salem | Nov., 1925 | Northampton | |
| New Bedford | Dec., 1925 | Hudson | Mar., 1927 | Plymouth | |
| Watertown | Jan., 1926 | Bedford | 1928 | Quincy | |
| Fairhaven | Feb., 1926 | | | Southbridge | |
| Falmouth | Apr., 1926 | | | Wilmington | |
| Reading | May, 1926 | | | Yarmouth | |
| Lynn | June, 1926 | | | | |
| Lowell | July, 1926 | | | | |
| Malden | July, 1926 | | | | |
| Everett | July, 1926 | | | | |
| Norwood | May, 1927 | Westfield | July, 1922 | | |
| Gloucester | Nov., 1927 | Taunton | Sept., 1925 | | |
| Pittsfield | Dec., 1927 | Marlborough | Jan., 1927 | | |
| Marblehead | Apr., 1928 | Andover | Mar., 1927 | | |
| Weston | Apr., 1928 | Petersham | Mar., 1927 | | |
| Concord | Apr., 1928 | Oak Bluffs | Apr., 1927 | | |
| Agawam | Apr., 1928 | Northampton | Sept., 1927 | Marshfield | June, 1926 |
| | | Barnstable | June, 1929 | Fall River | Sept., 1927 |

(Statements in parenthesis are from office data.)

Amesbury. (Though little encouraged by the town,) the first act of the board was to appoint special committees on (1) Relocation of Main Street; before reconstruction as a cement road. (2) Systematic scheme of sidewalk construction. (3) Zoning; frequent intrusions begin to arouse interest. (4) Civic center; a new court house, one feature, now being built. (5) Systematic highway construction plan.

Amherst. No activity. The board hopes the people will see the value of zoning before further damage is done.

Andover. (Zoning was defeated and since then the board has been inactive.)

Barnstable. Town map completed. Platting of all properties continues. Data on ownerships much used by title examiners, engineers, etc. Improving lands owned by the town, seeking new waterfront areas, educational work on comprehensive zoning.

Boston. Intensive main thoroughfare studies, special studies on East Boston tunnel and approaches, traffic control at several points, widening Charles Street and other streets, filling Fort Point Channel, zoning, and the location of health centers.

Brookline. Two hearings on higher classification of certain areas under zoning resulted in approval by the board and the town meeting. Other petitions for a higher classification are pending. Several special studies and recommendations on street locations and improvements.

Duxbury. The board has been active on zoning, traffic and street adjustments, directional signs and other matters. (As in a few other cases, it is generally known that factional opposition is preventing progress.)

Everett. Efforts to curb billboards have met with little success. Some success in abating various minor nuisances.

Fairhaven. Working on enforcement of the zoning and building by-laws, land developments and the location and regulations of a landing field.

Fall River. (Mainly active on the treatment of the burnt area.)

Franklin. Preparing a zoning scheme for the next annual town meeting.

Hingham. Main activity, developing a park at the harbor, working on main arteries.

Holyoke. Active in advancing special studies of the school problem. Dr. Strayer and his group are at work on the matter.

Lexington. (A conference with all real estate firms operating in the town, called by the planning board, resulted in an agreement to do away with "sold" signs, to make all signs conform with the zoning regulation of six square feet per sign, all signs to be on posts and not on trees or other natural objects, all signs to be twenty feet from the property line, that but one sign shall go on each property, the aim being to develop attractiveness and promote the interests of the town and the realtors. The zoning by-law has been greatly improved by a complete revision.)

Lynnfield. The zoning by-law, rejected in January, was slightly amended and adopted in November.

Medford. (The board last year urged more careful planning to meet the needs of a largely developed area. News reports indicate that the board of appeals is not upholding the zoning law.)

Melrose. (Work is being done on a general plan.)

Milton. (Working on a special enabling act to give the town the necessary power to direct its growth.)

Newton. Largely active as a board of survey, working on development plans and new street locations. Work on new school and park sites and on zoning changes. Several petitions for change of zoning to a higher classification.

Reading. A special study of the treatment of Reading Common, to meet traffic needs and provide certain desired facilities, were rejected. Also studying methods of solving the "bottle-neck" problem at Reading Square. The board reports satisfactory administration of zoning.

Salem. The board hopes to send its report direct to the towns in time for

the town meetings. Active in upholding the intent and purpose of the zoning ordinance.

Scituate. The board has co-operated on the problems of harbor dredging and High School development. It joined in opposing a filling station in a residential area and is preparing a zoning scheme, plans for adjusting certain streets and the taking of lands for general protection.

Sudbury. The first step was to prepare a zoning by-law, on which hearings have been held. Studies in other directions are under way.

Watertown. Active mainly on zoning changes.

Wayland. Active on several road improvements, with quite a little already accomplished. A joint committee of the boards of Weston, Wayland and Sudbury is working on a proper location for the Worcester turnpike through the towns.

Wellesley. By a vote of the town the board is co-operating with the school committee and the park board in studying playground and skating areas. Similarly it is studying the traffic problem at Wellesley Square and will report. Recommends an aerial map to supplement other map work. Is co-operating with the school committee on street layout to facilitate the locating of a school. Studying the Worcester turnpike problem.

Winchester. Two efforts to extend business areas to permit apartments were defeated by the town in accord with the recommendation of the board. Co-operates with the board of survey on all developments, is studying playgrounds, new main ways and zoning administration. (Formal decisions rendered by the selectmen acting under a condition precedent and the board of appeals in a water tower matter attain a high degree of excellence.)

Worcester. Extensive street improvements are under way, one, suggested in 1871, now approaching completion at a cost of around \$5,000,000.

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

DIVISION OF HOUSING AND TOWN PLANNING

ANNUAL REPORT FOR THE YEAR ENDING
NOVEMBER 30, 1930



MASS.
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COLL.

The Commonwealth of Massachusetts
DEPARTMENT OF PUBLIC WELFARE
HOUSING AND TOWN PLANNING

RICHARD K. CONANT, *Commissioner*
EDWARD T. HARTMAN, *Consultant on Planning*

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REPORT OF THE DIVISION OF HOUSING AND TOWN PLANNING

There are boards in four places of over 10,000 that were without them a year ago. Beverly, Cambridge and Greenfield have filled vacancies due to resignations *en masse*. Danvers has established her first board. New boards have been established in Concord, Manchester, Randolph, Sharon, Wenham and Wilbraham. This makes seven entirely new boards.

The total is 115 boards established and appointed or elected and three places, Andover, Great Barrington and Nantucket, which have established boards but failed to elect them. Two new towns only have come into the required list under the new census, Athol and Swampscott. Swampscott has a by-law committee which is considering the matter.

The extension of zoning work has been very small, an elementary law having been adopted in Franklin, and interim laws in Attleboro and Peabody. This makes 70 places with some kind of zoning, covering 3,038,104 of our inhabitants. There are 32 places that have prepared zoning schemes which have failed of adoption.

ENABLING LAWS

Experience shows that Massachusetts needs modern, comprehensive planning and zoning enabling laws. Our planning law is elementary and not abreast of the times. New York, California and New Jersey have the best laws. The work of the special committee of the Department of Commerce should be studied, along with the laws mentioned, and Massachusetts should give herself the benefit of all achieved progress.

Our planning and board of survey laws should be consolidated and the planning work placed in the hands of planning boards. The powers now covered should be extended to cover all questions of street lay-out, subdivision and zoning.

The principles of the Nichols Bill should be embodied in such legislation. If a dozen or so members of the executive board and planning boards had joined Mr. Burnham in his excellent efforts the Nichols Bill could have been passed at the last session. The opposition, based on failure to understand and selfishness, does not represent the real opinion of the people. The trouble is that the people are inarticulate, the opposition vociferous, and legislators fearful. Some of them may be more fearful of the effects of the bill on themselves than of its effects upon planning in our cities and towns.

An important feature of a proper enabling law is subdivision control. Subdivision control is a crying need. A proper planning enabling law would repeal the weak board of survey law and place in the hands of planning boards complete control of new lay-outs, covering size and arrangement of lots and location and design of streets. Provision must also be made to cover what is a street, upon which lots may be offered for sale, or which may be offered for acceptance by a town.

Developers who are mere land butchers frequently promise streets and all utilities. They charge lot buyers for these things, but do not provide

them. Later the town has to provide them and assess them upon the buyers or pay the bill itself. Thus they are paid for twice. Since it is right that the area should carry its own development charges, the only just way is to require the developer, under bond, to provide the utilities decided upon as proper. The argument that this makes lots too expensive is wrong. The purchaser pays. To require development under bond provides that the purchaser gets what he buys, and does not have to pay for it a second time under betterments.

Such a method will tend to locate developments where they are needed and can be reasonably supplied with utilities. There is no sound social economics in carrying utilities through miles of vacant land to meet the whims of a land miner. The interests of the purchaser and of the community demand a sound policy in this matter.

Another needed feature of an enabling law is regional and county planning powers. Such powers are provided in several states through the enabling law or through special acts.

The subject requires such study as could be given by a special commission, to report to the legislature of 1932. The authorization of such a commission would prove most helpful.

THE WORK OF PLANNING BOARDS

This question was covered in Bulletin 1 of the Division, and it has been covered in various reports. The subject is not out of place, however, as long as a chairman can say, as one has said during the year, "Why meet when there is nothing to do?" There is no place, whether or not it has a board, which has nothing to do. Only Utopia has no planning, or traffic, or zoning, or housing, or park, or playground, or other problems affecting its physical growth. If planning board members can't see the problems, let the people elect other members. Why elect a man who is so indifferent, so lacking in imagination, energy and efficiency, that he remains totally dead so far as the work of the board is concerned?

The Westchester County Planning Association asks:

Is the efficiency of your community handicapped by

1. Lack of real street plan?
2. Streets laid out without regard to grades?
3. Too narrow thoroughfares?
4. Lack of highways to by-pass through traffic?
5. Great congestion of the streets in your shopping center?
6. Inadequate highway approaches to the center?
7. Too narrow sidewalks or too many sidewalk obstructions?
8. Dead-end streets?
9. Wastefully wide streets in residential areas?
10. Lack of street connections in new sub-divisions?
11. Grade crossings?
12. Lack of bridges?
13. A parking problem in the business center?
14. An inadequate or unsafe water supply?
15. An outgrown sewer system?
16. The encroachment of business and residence structures upon land that should be reserved for industrial development?
17. The invasion of a business or residence district by industry?
18. Inadequate or wrongly located public buildings?
19. Lack of wholesale market facilities adjacent to good transportation?
20. Lack of protection to one-family home owners?
21. Lack of suitable apartment districts?
22. Lack of suitably located neighborhood business centers?
23. Lack of playground and park areas?
24. A scattering of business properties with resultant failure to obtain the benefits of a concentrated but not congested business area?
25. Lack of budget plan for financing public improvements?

We borrow the list complete as an additional group of suggestions to members who think there is nothing to do. If members will not see these things, there are often citizens who can see them and such citizens should act. Under modern conditions ultra-activity as a candidate for the graveyard should bar a man from planning board membership.

There are boards with an active member or two and some genial rubber stamps. There are members so afflicted with the accuracy complex that they will do nothing for fear of making a mistake. Some well-disposed and capable boards have allowed a single brake-fiend to block all progress. We avoid rotten timbers in buildings. We should avoid them in planning boards.

Charles H. Cheney says: "Constructive results can only be obtained by placing the broadest-minded men, the most unselfish and experienced leaders, on such commissions. This planning problem is the biggest and most far-reaching matter before any political subdivision of the state today, and requires that the ablest, most far-sighted and constructive-minded men be appointed to our planning commissions." Many honest men can, some do, realize their unfitness for the work. The most patriotic thing they can do is to resign and help to secure a man fitted for the task.

Why plan? Because the town will live, ragged or well dressed. The town is not like a home, or a business, or an industry, that may die with little more commotion than is caused by tossing a stone into a pond. The town goes on. The question of how it goes on is important. Does it go smoothly on high, or jerkily on low? Does it hobble through existence on one lung, or is it to have two healthy lungs that keep its bloodstream vital with oxygen and its heart functioning with vigor? The planning board has the power to control in such matters.

To get results a board must

1. Have ideas. It must conceive things that need to be done. They must be things that will permanently help the town.
2. Work out the details, the how and the cost of doing the things needed.
3. Do things. To think of things as needed is not all. To work out all details is but one step. To get the things done is the thing. How to get things done in a democracy is not simple. But until a thing is done there is no accomplishment. Results count.

As a method of getting things done, a recent step in Stoneham is suggestive. The entire official body came together to consider problems affecting the physical growth of the town. It was not a mere gesture in co-operation. During two and one-half hours of discussion there was not one word of criticism of one department by another, there was no show of interest in political preferment at the expense of the interests of the town. A town with problems to solve, which means all towns, can take no better first step. When all officials work together, it is an easy step to popular support. When the people back a proposal it will be carried out.

Irving Bacheller makes Peabody Baynes say that every worthwhile man has in him a compass which shows him where to go. It is his sense of direction, his purpose, even his conscience. Towns without this compass are as little worth-while as a man without one. Every town has a manifest destiny, a one best goal, but it will not travel towards that goal until the people sense the goal and do their part—for the people are the town.

ARGUMENTS FOR ZONING

The division was asked to supply arguments against zoning for a high school debate. An earnest effort was made, with complete failure. The early arguments:—unconstitutional, unreasonable, against private rights, etc.,—were found to be specious. The courts have disposed of all these arguments. They could not do otherwise. Zoning is a form of insurance. Its economic, health and social values are doubtless for all time more worthwhile, from year to year, than all the fire insurance carried by any place. Contrast the cost of zoning with the cost of fire insurance. The chief item

of expense in zoning comes when the scheme is prepared. The cost of insurance is annual and perpetual. True, there is expense with zoning, where there is dishonesty or inefficiency, mainly with defending zoning before the courts. But there is probably much greater court expense in insurance matters. Picture a city well zoned, where the system is well administered, and its results are above fire insurance, its expense below. Some public-spirited actuary, one with a little horse sense can see its value, will some day supply the figures to prove these assumed facts.

Zoning is said to interfere with individual liberty. Zoning means that liberty in a few respects is exchanged for security in many respects. The liberty surrendered is but of that nature which has no value if all have it alike. The word liberty does not apply, for it is only license that is sought, preferential treatment, something for the individual which is not granted to other individuals. Zoning is a device of democratic people for mutual protection. The protection is from those who recognize no rights of others, insist upon all rights for themselves. It is probable that no political philosopher has ever held property to be a natural right. It is a civil right, a right by compact, at all times subject to the civil law under the police power. It must be used in such a way that its use by no man interferes with a like use by another man. Only thus may there be equality in the use of property. The man who seeks preferential treatment is both unprincipled and unpatriotic.

ZONING ADMINISTRATION

There comes to the office of the division a constant train of officers and citizens seeking relief from malfeasance, misfeasance and nonfeasance on the part of local officers. The division has and seeks no control over local officers. They are in the hands of those who elect or appoint them. The powers of the electors and of appointing officers are complete. The difficulty is that the use of this power requires attention to the quality of candidates for office, even necessitates splitting a ballot. The former requires too much trouble. The latter is against our brand of party patriotism. So an easy way is sought. "Let's get some other fellow to pull our chestnuts out of the fire."

The division hesitates to advise a citizen to go to court against an offending officer. But when an officer persistently offends this is the only recourse in a specific case. This, or let it go and retire the officer at the next election. There are numerous officers against whom specific charges should be brought, before the courts or at election time. This action lies with the people.

A man in a residential district has a home assessed at \$5,000. He is offered \$25,000 for the property if he will get a filling station permit. He applies to the building inspector and is refused. He appeals to the board of appeals and is refused. In the meantime he applies to the city government under the garage law and is given a permit to handle gasoline, "subject to the zoning law." The council said, in effect, we will give you the permit if you can break down the zoning law. The location is in a fully developed, old residential district. The people are neighbors, accustomed to living together and with well-established social and neighborhood institutions. The applicant brings in several car loads of colored people. They look over the property "with a view to purchase." The temperature changes, the neighbors begin to get cold feet, and a new appeal is sent to the appeal board—but with no new facts. The neighbors are less strong in their opposition. The appeal board grants the appeal, on the ground of little opposition and the fact that the council has already granted its permission. Thus does virtue have its own reward.

Above are the essential facts in a case brought to the office for relief. The offense lies with the board of appeals and the council. We never blame a man for being selfish and unprincipled. That is his right, if it is his nature. But officers in such cases are blamable.

In New York this seems to be organized into a system. A man applies for a permit. Legal or illegal, the permit is refused. A runner appears and reports that a certain Mr. — can secure the permit. Mr. — can secure

the permit, legal or illegal, for a certain sum, which sum is used for supporting Mr. —, the chief beneficiary, and the system. Of course the applicant can go to court and secure a permit when his application is legal. In too many instances an illegal permit can be secured if the applicant "comes across." In places where zoning is so administered, right results are secured only after court action, or a show of definite intention to act. There are indications that similar practices are used in Massachusetts.

GOOD ADMINISTRATORS

Lest there be misinterpretation it is necessary to say, as has often been said, that there is much good administration. We too little encourage good administrators. We are almost "everready" when it comes to making complaints about which we do not intend to do anything. When an honest official is attacked, as he always will be by certain people when he enforces any law, citizens perform the vanishing act and even turn against the capable officer at the next election. It is yet an open question as to whether we retire more officers for inefficiency than for efficiency. It is always open season against efficient officers. The open season against those who are incapable or crooked is intermittent.

Here is a sentiment, by a mayor on laying a cornerstone for a new city hall:

As we are about to set this stone, let us dedicate our lives, as officials and as citizens, to unselfish service for the welfare of our city and all of its people.

Let us bear constantly in mind that if we are faithful to our own generation, we shall not only fulfill the hope of our fathers, but we shall best serve the cause for our children.

In a spirit of co-operation that will bind together all of our people with bonds infinitely stronger and more enduring than the steel with which this structure is fabricated, let us resolve to place the welfare of our city above all other considerations.

If we do this, the faith in our future which inspired our people to authorize this splendid hall will have been justified and the sacrifice which it necessitates will not have been made in vain.

To places where zoning, and other laws, are improperly administered, we can only offer the advice of Jefferson: All reforms "must be brought about by the people using their elective rights with prudence and self-possession, and not suffering themselves to be made the dupes of treacherous emissaries."

Our experience with zoning is bringing to many people a desire for Jefferson's doubtless unattainable ideal of government, as defined by Chinard: "A government of the best minds, elected by a populace sufficiently enlightened to select the best minds." I have said "probably unattainable," but that is no reason why we should abandon the desire. All worthy ideals are a little above the attainable, or there would be no progress. The aspirations awakened by zoning, if I rightly read the signs of the times, are the most hopeful element in the present state of political unrest.

There are zoning administrators who are beyond reproach and who are worthy of the highest praise. They are honest, intelligent and capable. The trouble lies with dishonest men, with men who are easily misled, and with men who are honest but dangerous because they do not understand their duties.

A New York writer says: "While the eyes of the country have been focused upon the New York Board of Standards and Appeals with its scandals and the indictment of its chairman by federal and state grand juries, the defects and dangers of such boards are by no means limited to New York City, nor solely to the dangers of favoritism and graft inherent in such boards." The gist of the matter is that no one should have the right to an appeal for an illegal use. The board of appeals is not a law-making body, but many members of such boards do not know this, or, for a consideration they will get away with it when they can.

SOME PROBLEMS

A *Miniature Golf Course* is a use of premises and may be regulated. It generally requires a building or structure and these may be regulated. It is a business, not a club, and should not be allowed in a residence district. Golf courses are permitted in residential areas. The Supreme Court of New York says a miniature golf course is not a golf course and the game played thereon is not golf. Several places are inviting trouble by ignoring the above facts. These courses produce noise, they frequently produce language that should be kept away from children, they are operated at night to the detriment of the neighborhood, they cause cars to be parked and produce congestion and traffic hazards. Those who want them by their homes may be said to be welcome to them, but no community has any right to force any home-owner to submit to one by his home.

Airports are a sign of modern progress, but at the same time one of the greatest nuisances that can be admitted into a residence district. Any residential town that is considering an airport should weigh carefully all aspects of the matter, or it is liable, practically sure, to find itself with a white elephant on its hands, a viper in its bosom. A place without an airport can generally adhere to its position with the utmost complacency. Residential towns should be fit places for homes. Progress that kills is not what we should seek.

As affecting the interests and development of every place the *noise nuisance* is of ever-increasing importance. We have laws on noises by automobiles, hawkers, dogs. They are ignored by the people and entirely unenforced by the police. There is need for loud-speaker regulation. There is need for more effective enforcement of the noise laws.

The fight between beauty and ugliness is not ended. *Sidewalk Advertising* is a recent menace. The movement spreads, although it is against sound public policy, is an offense against the public, and is illegal. What is needed is a citizen with interest, backbone, and money enough to take it to court. Chicago disposed of the nuisance fifteen years ago in the case of *Chicago v. The Clean Street Co.*, 225 Ill. 470. Filling station pumps may be kept off of sidewalks according to numerous decisions and only careless or corrupt officials ever permit them there. Another decision along the same line is *Viering v. Fairbanks Co.*, 100 S. 729.

The growing desire of people for a chance to walk, and the deadliness of our highways for this purpose, lend significance to the proposals for *highway sidewalks and trails*. The two can be effectively combined.

Under a new law, Connecticut has handled her *automobile graveyard* problem. Some 250 locations have been covered, over 180 cleaned up and but about 61 licensed to operate under regulation. We should act.

Constantly bills are entered to permit the *use of park lands* for other purposes. This year a general act was entered. No place has too much park land. No place has enough park land. This proposal is against public interest.

A problem facing every place is to have a good *zoning law*. All zoning ordinances and by-laws need careful watching to see that they are not weak in important directions. Places frequently find that they have not the equipment they thought they had; what has become common practice. Places with only crude use zoning, with no regulation of the use of premises, no minimum lot sizes, or maximum coverage, or height limits, or front, rear and side yard provisions, or court provisions for tenements, or reasonable regulation of accessory and non-conforming uses, or yard provisions for non-residential uses permitted in residential districts, have only their zoning adviser or themselves to blame. All these regulations are made possible in the enabling laws and are essential to comprehensive zoning and to a proper scheme of community growth. The work of supposedly trained men was in one place described as not conscientiously scientific. Untrained people cannot expect to do scientific work. At least eleven out of the seventy zoned places in the state have rudimentary zoning because technical

work was poorly done or poorly presented or because no technical help was used. Eight have only interim zoning. This is obviously rudimentary. Other places have crudities or omissions which, added to deficiencies in administration, offer serious problems. Every zoned place should carefully canvass the equipment of its law and improve it as rapidly as is possible.

The *growth mania* continues to be one of the most serious problems. If growth cannot be both socially and economically sound there should be no growth. "But growth increases land values." Yes, and loads upon the people a constantly increasing overhead charge to increase the cost of living and decrease the needed things that can be bought. It is as sensible to boast that bread costs more in your town as to boast of high land values. "Increased growth helps the merchants." Yes, but does not affect the prevailing custom of having everywhere twice as many merchants as are needed and as can live at a reasonable charge for their services. Towns do not exist for the purpose of helping every man who wants to get a living by sitting on a store box. Merchants should serve the community at a fair charge for their services. Others should do something else that is useful.

But this isn't the only defect in the growth fallacy. Added to the merchandising complex we have to add the manufacturing complex. To grow we must have manufacturing so the workers who make the growth can make a living and buy the goods of the merchant. It all depends upon the wage scale and the effects of the industry upon the social and economic life of all the people. One of our most tooted industries boasts of the number employed and the weekly payroll, but doesn't publicly divide the one into the other to show that all its workers average but \$18.33 each per week. Another pays less than \$17. What a town should ask before it accepts such an industry is: What kind of homes can these workers afford? What will be their effect upon the social and economic life of all the people? Will the taxes upon the homes of the workers and the industry pay for this group a fair share of the community expenses, or will other homes, other industries and businesses have to pay a higher tax in order that these workers may buy too little of the merchants at too high a price in order that the town may grow?

Community welfare is a justifiable objective. To promote it there is great need of some basic thinking that will explode widespread fallacies in regard to commerce, industry and taxation. Our communities must be more than, as someone has put it, a pauper's mantle with a fringe of gold. All we have to keep in mind is that community welfare is our goal. Clear thinking will enable us to avoid what is not good for the people.

A common mistake is to welcome any and all items of growth, "because they increase the amount of taxable property." Zoning is frequently frowned upon because "it prevents growth." To permit a filling station in the midst of what should become a protected residential area is growth—like a goitre, which is growth we can better get along without.

An example will help. Before zoning a garage was built on a Boston street in an area developing as residential. It was considered good, it brought in tax money, in 1929 it was assessed at \$61,000. But look at the whole picture! The street is now fully developed, the garage, four-story apartments, 280 feet of the frontage with five-story apartments. In 1929 four hundred and eighty feet of its frontage, both sides, was assessed at \$684,000. A parallel street, alike in all respects except that it was developed entirely with four-story apartments, no garage, no five-story development with its higher values, was assessed at \$845,000, a difference of \$161,000. And this is not all. The street with the garage is a social and fire menace to the whole city. The garage, now occupied by a taxi company, is brutally noisy, a perpetual nuisance, day and night. The tax department gets less, the fire, police, school and other departments spend more. The street is economically and morally blighted. The garage could be ousted under the nuisance law if the injured owners would prosecute the case.

PLANNING BOARD ACTIVITIES

| BOARDS ESTABLISHED | | | | NO BOARD |
|--------------------|----------------|--------------------|------------------|---------------------------------|
| Amesbury | Fall River | Milton | Southbridge | Adams Chelsea Marlborough |
| Amherst* | Falmouth* | Nahant* | Springfield | |
| Arlington | Fitchburg | Natick | Stonham | |
| Ashland* | Frammingham | Needham | Stoughton* | |
| Attleboro | Franklin* | New Bedford | Sudbury* | |
| Auburn* | Gardner | Newburyport | Taunton | |
| Barnstable* | Gloucester | Newton | Tisbury* | |
| Bedford* | Greenfield | North Adams | Wakefield | |
| Belmont | Haverhill | Northampton | Walpole* | |
| Beverly | Hingham* | North Attleborough | Waltham | |
| Boston | Holyoke | Northbridge* | Watertown | |
| Bourne* | Hudson* | Norwood | Wayland* | |
| Braintree | Lawrence | Oak Bluffs* | Webster | |
| Bridgewater* | Leominster | Orange* | Wellesley | |
| Brockton | Lexington* | Palmer* | Wenham* | |
| Brookline | Longmeadow* | Paxton* | Westborough* | |
| Cambridge | Lowell | Peabody | Westfield | |
| Canton* | Lynn | Pittsfield | Weston* | |
| Chicopee | Lynnfield* | Plymouth | West Springfield | |
| Clinton | Malden | Quincy | Westwood* | |
| Concord* | Manchester* | Randolph* | Weymouth | |
| Danvers | Mansfield* | Reading* | Wilbraham* | |
| Dartmouth* | Marblehead* | Revere | Wilmington* | |
| Dedham | Medfield* | Salem | Winchester | |
| Duxbury* | Medford | Saugus | Winthrop | |
| Easthampton | Melrose | Scituate* | Woburn | |
| East Longmeadow* | Methuen | Sharon* | Worcester | |
| Everett | Middleborough* | Shrewsbury* | Yarmouth* | |
| Fairhaven | Milford | Somerville | | |

* Under 10,000 population.

CITIES AND TOWNS WHICH HAVE BEEN ZONED

| COMPREHENSIVE | | USE | | PREPARED BUT NOT ADOPTED |
|------------------|------------|-------------|-------------|--------------------------|
| Brockton | Nov., 1920 | Milton | July, 1922 | Amesbury |
| Brookline | May, 1922 | Holyoke | Sept., 1923 | Amherst |
| Longmeadow | July, 1922 | Swampscott | Apr., 1924 | Andover |
| Springfield | Dec., 1922 | Dedham | May, 1924 | Attleboro |
| Newton | Dec., 1922 | Chelsea | June, 1924 | Beverly |
| West Springfield | May, 1923 | Paxton | Dec., 1924 | Bourne |
| Cambridge | Jan., 1924 | Worcester | Dec., 1924 | Braintree |
| Lexington | Mar., 1924 | Wellesley | Mar., 1925 | Chatham |
| Melrose | Mar., 1924 | Salem | Nov., 1925 | Chelsea |
| Winchester | Mar., 1924 | Hudson | Mar., 1927 | Chicopee |
| Arlington | May, 1924 | Bedford | 1928 | Clinton |
| Boston | June, 1924 | | | Duxbury |
| Woburn | Jan., 1925 | | | Easthampton |
| Belmont | Jan., 1925 | | | Fitchburg |
| Needham | Mar., 1925 | | | Frammingham |
| Walpole | Mar., 1925 | | | Gardner |
| Stonham | Mar., 1925 | | | Hingham |
| Waltham | July, 1925 | | | Leominster |
| Haverhill | Oct., 1925 | | | Littleton |
| Medford | Oct., 1925 | | | Marion |
| Wakefield | Nov., 1925 | | | Medfield |
| North Adams | Dec., 1925 | Westfield | July, 1922 | Nahant |
| Somerville | Dec., 1925 | Taunton | Sept., 1925 | Northampton |
| New Bedford | Dec., 1925 | Marlborough | Jan., 1927 | North Attleborough |
| Watertown | Jan., 1926 | Andover | Mar., 1927 | Plymouth |
| Fairhaven | Feb., 1926 | Petersham | Mar., 1927 | Quincy |
| Falmouth | Apr., 1926 | Oak Bluffs | Apr., 1927 | Scituate |
| Reading | May, 1926 | Northampton | Sept., 1927 | Shrewsbury |
| Lynn | June, 1926 | Barnstable | June, 1929 | Southbridge |
| Lowell | July, 1926 | Attleboro | May, 1930 | Sudbury |
| Malden | July, 1926 | Peabody | June 1930 | Wilmington |
| Everett | July, 1926 | | | Yarmouth |
| Norwood | May, 1927 | | | |
| Gloucester | Nov., 1927 | | | |
| Pittsfield | Dec., 1927 | | | |
| Marblehead | Apr., 1928 | | | |
| Weston | Apr., 1928 | | | |
| Concord | Apr., 1928 | | | |
| Agawam | Apr., 1928 | | | |
| East Longmeadow | Apr., 1928 | | | |
| Saugus | June, 1928 | | | |
| Lincoln | Mar., 1929 | Marshfield | June, 1926 | |
| Westwood | Mar., 1929 | Fall River | Sept., 1927 | |
| Revere | July, 1929 | | | |
| Winthrop | Oct., 1929 | | | |
| Lynnfield | Nov., 1929 | | | |
| Franklin | Mar., 1930 | | | |

REPORTS OF PLANNING BOARDS

(Statements in parentheses are from office data.)

Amesbury. The highway development program has covered the main arteries and work on the secondary ways is progressing. The people adhere to the idea that a building code should precede zoning. (The building code covers strength of materials and fire protection, mainly for non-residential buildings. Zoning covers use regulations, light, ventilation and fire protection for dwellings. It is more important than the code.) The board is urging protection for the village by by-passing the through artery.

Belmont. The board advocates a two-way boulevard for Concord Avenue as a proper approach to the town and is working on other street problems.

Beverly. This is a new board, organized in June. It recommends building lines on Cabot Street and Stone Street, land takings for a needed school, wider radius of curves at intersections and a zoning ordinance.

Boston. The chief work has been on the thoroughfare plan. Educational activity on this matter is progressing and the Mayor is including a \$5,000,000 item in the 1931 budget to start the work. The city has been empowered to adopt an official thoroughfare plan, the move being initiated by the planning board. The chairman and secretary of the planning board act in similar capacities for the board of zoning adjustment and they believe this leads to increased interest and efficiency. Civic center studies are being made by a special committee of architects and metropolitan district studies by another special committee. The location of schools, playgrounds, public buildings, health units, convenience stations, etc., form a permanent part of the routine work of the board.

Bridgewater. Working on zoning studies and general development problems.

Brockton. No meeting for two years, so far as the correspondent knows.

Brookline. There has been call for several studies in regard to zone changes, new street locations, upon all of which the board acts, also street widenings with a view to the better routing of traffic. (Brookline has had an extensive agitation over locating a school. The development of the school plant, with a view to proper functioning and permanency, is a question every board should be constantly studying. Where to locate a school is a big problem. There are numerous aspects of the problem. No place can afford to overlook them.)

Dedham. The board has been active on the street problem. (Affecting every town because of the automobile and the shifting of population.) It has recommended minimum lot sizes, provision for which was not covered in the original zoning by-law.

Falmouth. The people are beginning to appreciate the protection afforded by zoning and to consider it less as an unreasonable restriction of rights. The difficulty comes when a violator of the principles of zoning presents a sob-story and the people forget the interests of all in a well-ordered town and give the privilege-seeker what he asks. The board has been active in regard to new facilities for athletics, parking space, extension of widening of Main Street, standard street signs of good design, bathing pavilion (building completed), civic center, etc. School and post office sites are under study. The board co-operates in locating all new ways and the readjustment of present ways. The board appreciates the attitude of the board of appeals in upholding the principles of the zoning by-law.

Framingham. The board again unsuccessfully presented a zoning scheme to the town.

Gardner. Zoning, comfort stations, regulation of the billboard nuisance, dump regulation, refuse disposal and park development are recommended.

Hingham. The board is both planning and park board, as provided by law. The main activities have been on the park problem and the development of artistic approach markers.

Natick. Still working on zoning.

New Bedford. A slight decrease in population has vacated the worst homes and some have been destroyed to avoid taxes. The net result is

improved housing. Ten applications were received for zone changes to a lower classification. The board strongly opposes such spot zoning as against a sound scheme of growth (especially in a city heavily overzoned for business.) The board believes such spot zoning illegal and against sound public policy. An effort is being made to zone funeral homes into residence districts. (This absurd proposal has been defeated. While courts are ejecting such uses under the nuisance law, it would seem an action in bad faith to open the way through adding them to permitted uses in such districts.) A new traffic ordinance is proving effective. Billboards are being kept out of residence districts.

Quincy. The board is supporting the Shawmut Trail Parkway, the Neponset River Parkway, now under construction, Hull highway, Sweet-water golf course, Fore River bridge on new location, restoration of Victory bridge, traffic regulation and zoning.

Scituate. A chief activity has been to prevent a filling station where it would do serious damage, difficult in the absence of a zoning law. The board advises that the town own the property to secure the needed protection. Main ways are being studied.

Shrewsbury. Studying school plant problem, proper locations, etc., road locations, widenings, etc., and zoning. (The issue seems to lie between those who would protect the Worcester highway in its passage through the town, and those who believe it should be an automobile slum.)

Southbridge. After five years' work the board plans to present a zoning scheme to the 1931 annual town meeting. The board will conduct an educational campaign.

Springfield. The board has supplied the building department with a full set of lot-line maps, 50 feet to the inch, to aid in administering the zoning law. The board has secured the gift of another link in the South Branch Parkway, about one-fourth of a five-mile development, and further co-operation by owners seems likely. A new cross-town thoroughfare is being completed, again with the co-operation of property owners. School plant studies continue. Three new locations, as part of the whole scheme, have been settled, still again with much generosity on the part of owners.

A significant study shows for every family in the city .126 children 5 to 7 years old; .45, 7 to 14; .131, 14 to 16. Families per lot are .843 in single-family zones, 1.25 in general residence, and 5.92 in apartment zones. On this the estimates of playground needs are being based. With an estimate of future families and children as per the zone map, the Hubbard standard of 140 square feet per child and one-third of the children using the playgrounds at a given time, tables are being prepared to show the needs.

The board, in co-operation with owners, is preparing a development scheme for about one thousand acres. The lay of the land and existing streets in the adjoining areas are studied and the new lay-out moulds the two together into an efficient unit. Open spaces are being provided, and a new trading-center plan, two rows of stores facing two ways, the space in the rear for loading, parking, etc., to protect the streets from intrusions. Dwellings are blanketed by protective planting.

Contributed funds have provided a new 113-acre golf course, 18 holes. Traffic problems are under active study by a Council committee, of which the planning board engineer acts as secretary.

Stoneham. The board has had its share of work opposing those who are anxious to "lighten up the corner" with filling stations in residence districts, and the further intrusion of the billboard nuisances. It is co-operating to secure proper lay-out of new developments, adjustment and care of intersections, grass plots and sidewalks, and doing away with confusing street names. The board indicates helpful results from the joint meeting of all town officers described in the main body of this report.

Weymouth. Preparing town meeting articles for needed street widenings and extensions and sidewalk construction. For a recent meeting each member was requested to bring in five suggestions for improvement. This resulted in interesting and instructive material. Traffic lights are needed,

but are opposed by the chief of police as likely to prevent him from getting more men. The board hopes for more opportunity to co-operate with other boards.

Wilbraham. The temporary board, serving till the 1931 election, has met almost every week and is preparing a zoning scheme, which the town has long needed. The scheme will be presented to the next annual meeting.

Winchester. Much work in studying new streets and development schemes in co-operation with the board of survey, and proposed variations under zoning. A surprising disclosure is that the number of new dwellings this year will equal those of a year ago, with an average increase of \$3,000 per dwelling over those of a year ago. (Careful administration of the zoning law in Winchester is giving careful home-builders the protection they are seeking. The developments show the benefits of such protection.) The use of premises is not included in the zoning by-law. The appearance of miniature golf again forces the matter upon the attention of the people.

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

DIVISION OF HOUSING AND TOWN PLANNING

ANNUAL REPORT FOR THE YEAR ENDING
Nov. 30, 1931



MASS.
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COLL.

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

HOUSING AND TOWN PLANNING

RICHARD K. CONANT, *Commissioner*

EDWARD T. HARTMAN, *Consultant on Planning*

ADVISORY BOARD

JEFFREY R. BRACKETT, Boston, *Chairman*.

GEORGE CROMPTON, Worcester.

JOHN J. O'CONNOR, Holyoke.

MRS. ADA ELIOT SHEFFIELD, Cambridge.

MRS. MARY P. H. SHERBURNE, Brookline.

DR. HARRY C. SOLOMON, Boston.

REPORT OF THE DIVISION OF HOUSING AND TOWN PLANNING

Five new planning boards have been established by vote of town meetings, in Billerica, Great Barrington, Hanover, Southborough, and Swampscott. Temporary boards are reported in all, but the membership of the Hanover and Southborough boards is not known, after repeated requests. The Great Barrington and Swampscott boards have been very active and there are rumors of activity in Billerica.

Five places have acted constructively on zoning, Wilbraham, Natick, and Westfield with comprehensive laws, and Sudbury and Great Barrington with use zoning in the interim form. Great Barrington is actively preparing a comprehensive law. In Westfield the new law replaces an interim law. In June Quincy passed her third zoning law and it was defeated on referendum, September 1.

This brings the total planning boards up to 119, although there are indications that a few places failed to elect. Three efforts failed to secure reports on elections from 21 places. Ninety-eight places were enough alive to report their membership. This is not a creditable showing. Presumably a board is established to do something. The Wenham experience points otherwise. The temporary board there was given money to prepare a zone plan. It did its work with commendable energy and thoroughness. The town meeting refused adoption and the antis boasted of defeating the planning board. The board's reply was that the antis had defeated their town. The election, implied by the vote to establish, was not held, probably due to the failure of citizens to secure nominations and see that the law was carried out.

There are now 74 places with some kind of zoning. Notwithstanding the creditable, even excellent, improvement and enforcement of zoning laws in some places, the record as a whole is not what it should be. Seekers after special privilege, described a year ago, are as active as ever. Zone changes under the guise of variances by boards of appeal, spot zoning by city governments and town meetings, and failure to enforce the law against violators, are all too common. We may save time by referring interested people to the 1930 report. Methods of breaking down the laws are of all kinds, as outlined in that report.

ALMOST NO PLACES REALLY PLANNING

Harland Bartholomew, president of the National Conference on City Planning, points out five essentials to success in planning:—

1. Good Plans
2. Proper Legislation
3. Competent Administration
4. Public Understanding
5. Financial Surveys and Work Programs

By good plans is meant plans that are conscientiously scientific, plans that can and should be carried out, because based on needs and abilities.

Proper legislation means ordinances or by-laws that cover the essential ground. These must be based on comprehensive enabling laws, which, so far as planning alone is concerned, are very elementary in Massachusetts. The local laws must cover all needs, for no court will help a town to enforce a principle not covered in a by-law.

Competent administration we have covered repeatedly. A planning or zoning law which is not enforced is a law—and not a law.

Public understanding is essential to adoption by a town meeting, to compliance by the people, and to enforcement against violations.

Financial surveys and work programs are essential to a proper budgeting of the work, which demands an appraisal and the arrangement of a sequence. Town planning and budget planning go hand in hand. Paper plans, planning for the archives, isn't planning and it doesn't have to be sound or sensible or possible. Too many places are satisfied with such plans.

Mr. Bartholomew further points out that, "under present conditions, the largest cities are astoundingly inefficient and quite hopeless so far as full and effective city planning administration is concerned . . ." Large cities may, and sometimes do, prepare sound plans. But these plans come too late. They can't be carried out. The cost is too great. It is a major operation from which the patient does not recover.

In short, the large cities are beyond the point of sound planning at a reasonable cost, and they do, and will, shuffle along as best they can. In the meantime small places wait. They insist that they do not need plans until they are like Boston, or New York. Will their fate be that of the large cities? Large places cannot do the work as it should be done, small places will not do it while it can be done. "The Tragedy of Waste", so well pictured by Stuart Chase, is graphically demonstrated in almost every town in America.

Well and sick towns are like well and sick people. "Ef folks wuz es frantik bout keepin well es they be bout gittin well, ther wudn't be so much sickness."

HOW TO GET RESULTS

The best test of the civilization of any people is their facility of association.

—Emerson

When a thing needs to be done, a civilized town will weigh all proposals for doing the thing, and pick out the best one, and do it. In business and industry this practice largely prevails. Too often, when it is proposed to solve a community problem, the town splits into two or more parts, holds a glorified cat-fight, under a warrant for a town-meeting, and adjourns with nothing done.

When a town needs to do a thing, and doesn't do it, or does it in a wrong way, that town isn't a high exponent of civilization.

PLANNING FOR THE AUTOMOBILE AGE

"Neighborhoods of Small Homes"—Volume 3 of the Harvard Planning Studies, says:—

The self-contained neighborhood unit should have its own public school, playground, and local store center. It should as a rule be bounded by traffic streets, but should have no general traffic streets cutting through it. The local streets should be so laid out as not to invite through traffic. Normally two or more types and densities of housing should be provided for in the locations most suited to them.

This is largely sound, but not entirely. It too much condones storage space for humans, rather than living space. Who wants to live, who more than exists, in a house on a main traffic street? The blighting of homes everywhere by new main ways points to the need of new

conceptions in planning home areas. A proper unit for such a purpose will have no main traffic way through it, and it will have no such way near enough to it to convert any of its homes into human storage space. The homes in the center will not be blanketed by apartments around the outside, but all the homes will be blanketed by playgrounds, parks, gardens, farmland, grazing land or forests. There will be but few approaches, there need be but one, and there will be no possibility of through traffic. If there is more than one approach it should not be possible to enter by one and leave by the other. With the school and other communal needs properly located there could be access to all with no possibility of through traffic.

The chief unexplored field of planning is that for homes in the automobile age. It is being studied. It has not been solved. The need is for a far-visioned, courageous demonstration. The objective is homes, in which, in all of which, one may live in safety, peace and comfort.

So, it is time for us to see that the old idea that every street should tie, at both ends, into the general system of streets is wrong. What we need is streets for homes, these streets so designed that they can be used only by the people in the homes. It may be illustrated by a dwelling, which may be for one family or a thousand families. We do not run traffic streets through a multiple dwelling. Look upon the neighborhood unit as a multiple dwelling and we can get the planning we need. It is time to stop locating towns a-straddle of main ways. It is also time to stop running main ways through developed villages.

PLANNING BOARD REPORTS

The statute requires boards to report annually on the conditions and needs of their towns. Some report carefully, many perfunctorily, quite a few not at all. A board not reporting is not functioning. It isn't a planning board.

A good way to prepare a report is to get the suggestions of all members and consolidate them into a report, arranged into a sequence according to the majority opinion of the members. If the members can't agree, it is probably due to prejudice, an absence of reason, and the board is not functioning. In such a town a new board is the solution. To change the simile, a three or more-cornered dog fight is no evidence of the existence of a planning board.

LITERATURE FOR PLANNING BOARDS

We may say that planning literature is coming of age. The following sources are suggested to board members for consultation:

"The American City" (Monthly). 470 Fourth Avenue, New York City, \$4. An excellent source of progress news, new points in planning and zoning, court decisions, etc.

"City Planning" (Quarterly). 9 Park Street, Boston, \$3. Strong on technical aspects, special points and experiences along various lines.

"Our Cities, Today and Tomorrow," Hubbard and Hubbard, Harvard University Press, \$5. Covers historical, legal and promotional aspects on both planning and zoning.

"Principles of City Planning," Karl B. Lohmann, McGraw-Hill Book Co., \$4. Comprehensive. Will answer numerous practical questions.

DIVISION DESIRES TO CO-OPERATE

Planning boards, boards of appeal and other boards, and communities without planning boards, are constantly encountering new problems. The division is willing, even anxious, to help solve problems so far as it can. The trouble is that the Division gets no chance to co-operate in many instances till the damage is done. A child can advise a strong man not to fall into a well, but the child can't get the strong man out after he has been careless and has fallen into the well. If the Division gets

a chance in time it can often keep people out of trouble. It can seldom get them out after they get well into it. It is often criticised for not doing the impossible.

This is simply a suggestion that foresight be used, and that the Division will be glad to co-operate.

IS YOUR TOWN ZONED

Many places have zoning laws and maps, but no zoning. In such places the bulk of the people observe the law and expect its protection, but get no protection. Mr. Rabuck of Milwaukee says that "the best way to avoid annoying and expensive zoning litigation is to give more careful thought and consideration to the preparation and administration of zoning ordinances." A zoning ordinance may prove ineffective through improper drafting. Such a law is a law, and not a law.

But ineffective administration is nullifying more laws than any other thing. A law which is not a law is due to an indifferent people, who submit to careless, ignorant, influenced or corrupt officials. Reiterating such statements is in order as long as the papers currently report disclosures such as in New York, where it seems that one manipulator, that is corrupt corruptor, in some three years collected \$2,000,000 for securing illegal permits, and deposited some \$850,000 of it in his own name. This is happening in many places. New York is mentioned because she has brought the facts into the open.

Seekers of special privilege are corrupt and corrupting. Offers of bribes are common. One reason why they are common is that they are so often accepted.

The Planning Foundation, discussing the New York situation, points out that zoning in New York does stabilize property values and does protect residential areas from intrusion. Of course it does. But no one may claim that it does these things perfectly or equitably so long as permits are disposed of by purchase, most purchased permits being at variance with law.

SPOT ZONING BY BOARDS OF APPEAL OR LEGISLATIVE BODY

Basic in a consideration of this question is whether or not a town should lay down a scheme of growth and adhere to it. Because of the excessive over-development and over-zoning for business everywhere, a right scheme of growth generally requires a constriction, not an expansion, of business areas. The great need is for protected home areas. A scheme of growth does not mean that ultimately all the present area of the town shall be used for business and industry and the people will live in newly annexed or suburban areas. These areas already have zones to meet their non-residential needs and there is no call for such increases at the center.

After a given district has the necessary business area, the worst thing that can be done is to increase the business area. The most economical and social use of the remaining land is for homes and community needs. An area totally devoted to business and industry does not make a good municipal unit.

It has been discovered that an average of about 50 feet of frontage per hundred of the population is used for business. If this is true for a place of medium size, it is wrong to assume that as the population increases the business frontage must increase. The ordinary business use in small places is one story, alone or under other uses. On a block 200 x 400, with stores 60 feet deep, this provides 57,600 square feet of space. If this block finally becomes the center of a large city, it will be solidly developed and, say, 6 stories high. This gives 480,000 square feet of space, which will meet the needs of eight times the earlier population, probably more than the street system can carry.

As against this 50 feet of frontage per 100 people, one of our cities

has zoned 400 feet per 100 people. Others have varying amounts up to this. And yet in all these places there is constant effort to break into residence areas with business.

One method of doing this is to secure a variance from the board of appeals. To allow a business in a residence district is not a variance; it is a violation of the law.

If an applicant fails with the board of appeals, he frequently goes to the city government or town meeting. If he gets what he wants here he gets what is called spot zoning. Such variances, so called, and such spot zoning are generally crimes against the law, against the purpose and intent of the zone plan, against the people who have built in conformity with the law and in expectation of the protection of the law, and against the welfare of the town.

We reported a year ago in regard to the numerous appeals to boards of appeal, and how in one place a second appeal was granted, with no new facts, simply greater pressure. It seems to have been rumored that this action would probably be nullified by the courts, if a citizen should appeal, so the city government was persuaded to commit another crime and zone this single lot for business.

Is this action rightly termed a crime? The question has not been adjudicated in Massachusetts. The ruling case for the country seems to be Michigan-Lake Building Corporation v. Hamilton, 172 N. E. 710 (Ill.) An amendment without proper advertising was rushed through to allow buildings on 4 lots to go 66 $\frac{2}{3}$ per cent higher than others in the same area. Three of these lots were already substantially developed. As soon as the permit for the remaining lot was granted the amending ordinance was repealed. The court said:—

In the instant case there appears to have been no consideration given or allowance made for existing conditions, for the conservation of property values, or for the direction of property development to the best advantage of the entire city. There is not a word in the record pertaining to the necessity of the amendatory ordinance or to its benefit to the public welfare in any manner. We are of the opinion that the passage of the amendment under present conditions was clearly an arbitrary and unreasonable action on the part of the city council and not authorized by or contemplated under the Zoning statute.

It is not the purpose of the Zoning Act to permit special privileges to anyone or to a few property owners. In many adjudicated cases wherein zoning statutes or ordinances have been approved, the courts have stated, in substance, that zoning necessarily involves a consideration of the municipality or community as a whole and comprehensive view of its needs. Any regulation or restriction placed upon property by virtue of the police power granted under a zoning statute must be impartially applied as to all properties similarly situated. The few properties here affected under the amendatory ordinance are not so differently situated as regards surrounding open spaces, light, air, safety, congestion, and other matters pertaining to the public welfare as to warrant establishing these properties as a class and give them freedom from restriction, whereby the street line height of buildings thereon might be 66 $\frac{2}{3}$ per cent higher than that which all other properties in the same volume district might have.

Besides this court decision, there is the obvious purpose and intent of the enabling statute and the ordinances and by-laws, the wisdom of a scheme of growth, upheld in many court decisions, and the rule of common sense.

It is everywhere argued, even where they have 400 feet of business frontage for each 100 people, that if the zoning law were wiped out there would be a building boom. It happens that on April 1, 1931, this par-

ticular place had 15 per cent of its stores vacant and 3,329 vacant homes. What kind of a building boom will help this place? Who is to be advised to put up the money for more vacant factories (it has them too), stores and homes, that the workers may have jobs and money with which to buy from the remaining stores?

SOME PROBLEMS

Noise was mentioned in our last report, but must be mentioned again. There is sufficient law, but laws are not enforced. Does anyone know of a case where the police have enforced the law against unnecessary automobile noises, or the radio nuisance, or hawkers, or dogs? The writer came part way from the Maine woods, twelve miles in two hours, in an automobile. The whole way was a series of bumps, stones, mud holes, and grades up to 40 per cent. The driver, not knowing he was under observation, made less noise in the entire trip than is often made by one car in starting on level, well-paved streets in cities. This driver's noise would have been at no time a nuisance in a thickly settled area. He had an old car but he knew how to drive. This is a planning problem. Complaints are numerous, but not as numerous as the conditions justify. People are constantly moving to escape noise. This results in abandoning of homes, developed streets and utilities and in the making of new ones. It is expensive and bothersome. It is unnecessary. One writer says, "How a person above the level of Hottentots can produce or endure such abhorrent noises (on the radio) is beyond me". Hours of syncopated groans and grunts interspersed with coyote tremolo are run off, even in places where conversation is being attempted, and loud enough to annoy hundreds of neighbors.

Advertising, as it manifests itself in public places, is more and more recognized as offensive, improper, and unremunerative to the advertiser. Consideration of this aspect of the matter has caused consideration of almost all aspects. Advertising pays, first the medium, then, to some extent, the advertiser, in that generally a poor article well advertised will sell better than a better article without advertising. But is this a social advantage? Does it matter to the world who supplies the article, so long as it is supplied? And wouldn't it be economically, therefore socially, better if all bought the better, unadvertised article? If two firms supply the need for an article, isn't it socially better that all expense in both cases should go into the article and nothing into advertising it? A certain popular but somewhat inferior article spends more for advertising than it pays its workers. It sells quite widely. If mankind would but realize what this means to it the social waste of advertising would be more widely recognized.

Overhanging Street Signs are a nuisance. They are regulated, theoretically, practically not. When one is permitted, others will be permitted, when the conditions are right, and the conditions can be made right. Special privilege results and in the end the signs are mutually destructive. There is but one solution, and that is a regulation applying to all alike. The only regulation that is mutually helpful for the merchants and for the city is to allow no overhanging signs. Boylston Street at Copley Square illustrates the effective method. The situation developing on Huntington Avenue, east of Massachusetts Avenue, illustrates the ineffective method. There are only two just methods, to permit all signs or to permit none. The one produces chaos, the other produces the right conditions. Philadelphia is removing all signs standing on the sidewalks. All sensible places will do it. Pennsylvania has passed a law authorizing the zoning of street signs, with different conditions in different areas. This is just but it cannot be effective.

Main Highways Through Villages were discussed in 1927 and 1929. There emphasis was laid on the effects on the villages, that is that main highways kill the villages and results in untold damage. It is now recognized that the practice is mutually destructive of the villages and of the highways. The future main highway must clear traffic. If it can't do this it isn't a main highway and a new one will have to be built that will clear the traffic. This is well illustrated in Wellesley Hills where in a short distance there are 176 houses with driveways opening upon the street, and 30 street intersections. It is obvious that such a main highway can't clear traffic. What can it do? It can kill the village and kill itself and force a new effort at solution. The time for the solution is before the road is built.

All over the country are reported efforts to improve the roadsides. Much money is being spent. Practically all of it is for undoing what should never have been allowed. Why spend millions in building roads, but to have them rendered disgusting by intrusions, then spend additional millions to recapture what belongs to the people? The procedure is without justification.

Government is already beginning to regulate the use of the radio. A man with a private receiving set has no right to annoy hundreds of others with his absurd use of the set. He will be regulated. There is just as sound base for regulating advertising, which, though on private property, is valuable only insofar as it reaches people on public property. The people do not provide these facilities for the benefit of selfish intruders. It will be stopped.

Miniature golf, mentioned in the last report, seems to be going "the way of all flesh", and now come **Airports** for joy rides, a Coney Island feature, invading residential districts and doing untold damage. Take-offs at from two- to ten-minute intervals do not tend towards peace and comfort in homes. Prohibition rather than regulation is essential to solve the problem. It is better to prevent such intrusions than to permit them and then try to make them good neighbors.

The removal of **Loam, Sand, Gravel and Stone** for sale is destroying large areas of attractive residential possibility. The following by-law addition is being considered:

The removal, for sale, of sod, loam, sand, gravel or stone from single- or general-residence districts shall be deemed nonconforming uses of premises. Such uses shall be permitted only under special permission of the Selectmen, as provided in Section _____ and under such conditions as the Selectmen shall impose. The Selectmen shall grant no such permit as would, in their judgment, adversely affect the scheme of growth laid down in the zoning by-law or otherwise, or the economic status of the town, or tend to impair the beauty of the town or of the district most immediately affected. Conditions, deemed by the Selectmen as tending to protect the town and the district, shall be imposed where needed, and made a part of the permit.

This is in conformity with U. S. and state court decisions to the effect that municipalities, under the police power, have the right to protect the scheme of growth laid down in a zoning law, to protect the general plan, to protect people on adjacent lands from obnoxious noise, fumes, dust and fire, and that "the stability of the neighborhood and the protection of the property of others in the vicinity are important considerations."

The need of looking ahead, which is the essence of planning, is now felt by those who never felt it before. Planning boards are being formed for every conceivable kind of constructive and reconstruction work. Basic in all these is the chief factor in human life, the community. The planning, the organization, of this unit is in most areas a matter of acute importance. But no community can plan, or replan,

without a careful taking of stock. As Professor Small long ago pointed out: "Civilization is a veneer, not a character, until the members of the society have settled with themselves that they have a community destiny, and that their highest well-being depends upon making the implications of that destiny their most conscientious study and the systematic object of their endeavor. . . . Life is necessarily, all along the line, an interdependent affair, and the first principle of making the most of it is to look out for the maximum efficiency of all our co-operations with one another."

PLANNING BOARD ACTIVITIES

| BOARDS ESTABLISHED | | | | No BOARD |
|--------------------|-------------------|------------------|------------------|-------------|
| Amesbury | Fall River | Milford | Southborough* | Adams |
| Amherst* | Falmouth* | Milton | Southbridge | Athol |
| Arlington | Fitchburg | Nahant* | Springfield | Chelsea |
| Ashland* | Framingham | Natick | Stoneham | Marlborough |
| Attleboro | Franklin* | Needham | Stoughton* | |
| Auburn* | Gardner | New Bedford | Sudbury* | |
| Barnstable* | Gloucester | Newburyport | Swampscott | |
| Bedford* | Great Barrington* | Newton | Taunton | |
| Belmont | Greenfield | North Adams | Tisbury* | |
| Beverly | Hanover* | Northampton | Wakefield | |
| Billerica* | Haverhill | No. Attleborough | Walpole* | |
| Boston | Hingham* | Northbridge* | Waltham | |
| Bourne* | Holyoke | Norwood | Watertown | |
| Braintree | Hudson* | Oak Bluffs* | Wayland* | |
| Bridgewater* | Lawrence | Orange* | Webster | |
| Brockton | Leominster | Palmer* | Wellesley | |
| Brookline | Lexington* | Paxton* | Westborough* | |
| Cambridge | Longmeadow* | Peabody | Westfield | |
| Canton* | Lowell | Pittsfield | Weston* | |
| Chicopee | Lynn | Plymouth | West Springfield | |
| Clinton | Lynnfield* | Quincy | Westwood* | |
| Concord* | Malden | Randolph* | Weymouth | |
| Danvers | Manchester* | Reading* | Wilbraham* | |
| Dartmouth* | Mansfield* | Revere | Wilmington* | |
| Dedham | Marblehead* | Salem | Winchester | |
| Duxbury* | Medfield* | Saugus | Winthrop | |
| Easthampton | Medford | Scituate* | Woburn | |
| East Longmeadow* | Melrose | Sharon* | Worcester | |
| Everett | Methuen | Shrewsbury* | Yarmouth* | |
| Fairhaven | Middleborough* | Somerville | | |

* Under 10,000 population

CITIES AND TOWNS WHICH HAVE BEEN ZONED

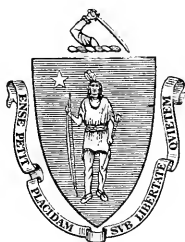
| COMPREHENSIVE | | USE | | PREPARED BUT NOT ADOPTED |
|------------------|------------|------------------|-------------|--------------------------|
| Brockton | Nov., 1920 | Milton | July, 1922 | Amesbury |
| Brookline | May, 1922 | Holyoke | Sept., 1923 | Amherst |
| Longmeadow | July, 1922 | Swampscott | Apr., 1924 | Andover |
| Springfield | Dec., 1922 | Dedham | May, 1924 | Attleboro |
| Newton | Dec., 1922 | Chelsea | June, 1924 | Beverly |
| West Springfield | May, 1923 | Paxton | Dec., 1924 | Bourne |
| Cambridge | Jan., 1924 | Worcester | Dec., 1924 | Braintree |
| Lexington | Mar., 1924 | Wellesley | Mar., 1925 | Chatham |
| Melrose | Mar., 1924 | Salem | Nov., 1925 | Chelsea |
| Winchester | Mar., 1924 | Hudson | Mar., 1927 | Chicopee |
| Arlington | May, 1924 | Bedford | 1928 | Clinton |
| Boston | June, 1924 | | | Duxbury |
| Woburn | Jan., 1925 | | | Easthampton |
| Belmont | Jan., 1925 | | | Fitchburg |
| Needham | Mar., 1925 | | | Framingham |
| Walpole | Mar., 1925 | | | Gardner |
| Stoneham | Mar., 1925 | | | Hingham |
| Waltham | July, 1925 | | | Leominster |
| Haverhill | Oct., 1925 | | | Littleton |
| Medford | Oct., 1925 | | | Marion |
| Wakefield | Nov., 1925 | | | Medfield |
| North Adams | Dec., 1925 | | | Nahant |
| Somerville | Dec., 1925 | | | Northampton |
| New Bedford | Dec., 1925 | Taunton | Sept., 1925 | North Attleborough |
| Watertown | Jan., 1926 | Marlborough | Jan., 1927 | Plymouth |
| Fairhaven | Feb., 1926 | Andover | Mar., 1927 | Quincy |
| Falmouth | Apr., 1926 | Petersham | Mar., 1927 | Scituate |
| Reading | May, 1926 | Oak Bluffs | Apr., 1927 | Shrewsbury |
| Lynn | June, 1926 | Northampton | Sept., 1927 | Southbridge |
| Lowell | July, 1926 | Barnstable | June, 1929 | Sudbury |
| Malden | July, 1926 | Attleboro | May, 1930 | Wenham |
| Everett | July, 1926 | Peabody | June, 1930 | Westborough |
| Norwood | May, 1927 | Sudbury | Mar., 1931 | Wilmington |
| Gloucester | Nov., 1927 | Great Barrington | Mar., 1931 | Yarmouth |
| Pittsfield | Dec., 1927 | | | |
| Marblehead | Apr., 1928 | | | |
| Weston | Apr., 1928 | | | |
| Concord | Apr., 1928 | | | |
| Agawam | Apr., 1928 | | | |
| East Longmeadow | Apr., 1928 | | | |
| Saugus | June, 1928 | | | |
| Lincoln | Mar., 1929 | | | |
| Westwood | Mar., 1929 | | | |
| Revere | July, 1929 | | | |
| Winthrop | Oct., 1929 | Marshfield | June, 1926 | |
| Lynnfield | Nov., 1929 | Fall River | Sept., 1927 | |
| Franklin | Mar., 1930 | | | |
| Wilbraham | Feb., 1931 | | | |
| Natick | Mar., 1931 | | | |
| Westfield | Aug., 1931 | | | |

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

DIVISION OF HOUSING AND TOWN PLANNING

ANNUAL REPORT FOR THE YEAR ENDING
Nov. 30, 1932



MASS.
DOCS.
COLL.

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

HOUSING AND TOWN PLANNING

RICHARD K. CONANT, *Commissioner*

EDWARD T. HARTMAN, *Consultant on Planning*

ADVISORY BOARD

JEFFREY R. BRACKETT, Boston, *Chairman*.

GEORGE CROMPTON, Worcester.

JOHN J. O'CONNOR, Holyoke.

MRS. ADA ELIOT SHEFFIELD, Cambridge.

MRS. MARY P. H. SHERBURNE, Brookline.

DR. HARRY C. SOLOMON, Boston.

REPORT OF THE DIVISION OF HOUSING AND TOWN PLANNING

During the past year 4 new planning boards have been established, in Acton, Athol, Carlisle and Millis. Hull, not before noted, established its board a year earlier, but did not report to us until this year. Palmer neglected to elect a board. This brings the number of boards to 123 and leaves without boards 3 places required by law to have them, Adams, Chelsea, Marlborough.

But 2 places are added to the list of those acting on zoning, Hull, which adopted her law in 1931, and Great Barrington, which substituted a comprehensive law for an interim law. There are now 75 places with zoning; 52 more or less comprehensive; 11 with use zoning; 10 with interim laws and 2 with partial zoning.

Boards should begin to function, at least to the extent of reading current literature and keeping in contact with the development of the planning movement. Literature is sent out from this division and from the federation of planning boards. But it too often fails to receive attention, and we do not even know to whom to send it in many cases. Boards fail to report their membership; 35 failed this year, after two requests.

Some boards need reorganization and an entirely new set of members. Some should substitute live members for those who are indifferent. Some boards are too small, some too large. The membership runs from 3 to 12. There are 72 with 5 members each. All things considered this is the best size.

The main task is for boards to understand the problems and needs of their towns. Towns are dying or living organisms. They may be one at one time, the other at another, in ebb and flow; they may be both at the same time, with disintegrating tendencies operating in some respects and vitalizing tendencies operating in other respects. The planning board's function is to perceive these tendencies and retard or stimulate and direct them. Most towns expect to grow, but how will they grow, with no preparation for growth? Industries have died for lack of plan. Sound industries grow according to plan. Towns, for healthy and permanent growth, must have plans. The tragic problems of all large cities demonstrate this every day.

DESTINY AND PLANNING

Every town has a more or less natural or manifest destiny. This destiny depends upon its natural assets and its actual development to date, and upon its setting in the group of towns in which it is located. Assuming that a town's present status is a result of natural forces and a *laissez faire* policy, it is obvious that by taking thought the town may add to its stature. It may protect here, add there and subtract somewhere else. It does not have to depend upon mere drift, upon a hit-or-miss policy. If the people of a town have a definite sense of direction for their town they may, with planning, zoning, regulation of subdivisions and of building construction, and by similar methods, largely direct the destiny of their town. To conceive a destiny is the primary step before any kind of planning or regulatory work may be done effectively.

It may be argued that destiny is in the hands of the gods, and that mere people, especially the helpless people of our planning boards, cannot control the actions of the gods, the fates, the natural forces, whatever you want to call them. Let us

make it concrete and take New Bedford as a good example. New Bedford was founded on and for the whaling industry. Kerosene killed the whaling industry, but it didn't kill New Bedford, because the textile industry was substituted. Economic and other conditions might kill, at least in part, the textile industry. Some other substitute would be found. Indeed it is easily possible to find industries far superior to either whaling or textiles.

In the meantime, if New Bedford had had a more definite sense of direction, she could have said:—"Whaling, textile or whatever, we propose to protect all our home areas so that they may always be fit areas in which to live. We do not propose to mix industry, business and homes indiscriminately so that a future prospective citizen who is careful about where he locates his home will find no protected area within our limits and will have to settle elsewhere."

Whaling, textile or whatever, New Bedford has for long had a policy, an objective, in regard to street maintenance, and she has streets second to none in the Commonwealth. She could have had, all places could have had, the same sense of direction, the same seeking for a satisfying destiny, in regard to home areas, or schools, or water and sewer systems, or parks and playgrounds. New Bedford might, perhaps well, have said that she refused, gods or no gods, to be a one-industry city, either whaling or textile, or any other. Too often do we supinely accept the obvious, which isn't obvious at all, but merely drift, *laissez faire*.

But the gods have little to do with most of our towns and cities. *Laissez faire*, drift, has had a lot to do with them. And when drift has resulted in bad conditions we avail nothing by complaining to or of the gods. It is time for us to develop, to be, alert and far-seeing citizens instead of supine or let-George-do-it citizens. Our destiny is more in our hands than in the hands of the gods.

Among the cities and towns in Metropolitan Boston, or in the Connecticut Valley, some may have sinned away any very satisfactory day of grace. But in either instance, there are places, say Lexington and Longmeadow, where an alert citizenship may almost definitely control what the future is to bring to them. They may and should say:—"We are located in a group of municipalities, such a group area needs highly protected home districts, there is elsewhere plenty of space available for the noxious trades, in fact for all industry, we will therefore devote our area permanently to homes in proper settings, no industry, and no business beyond the demands of local needs." Can any one say that this is impossible, or impracticable, or undesirable? No, all will have to agree that the only possible way for these places to protect their future is to plan their destiny, to control their growth, to direct their development towards preconceived and definite ends, and to allow mere drift to have the least possible to do with it. And upon the success of its efforts must the citizenry of every town depend for its standing as a community.

Whether or not a town is to be muddled and inefficient is going to depend upon what the people do about it. It is going to depend upon the development and acceptance of and striving towards an objective, a destiny that is worthy of a human society.

What, then, can any planning board do unless it has first made up its mind in what direction its town should travel? It is manifest that there will be a mainly unsatisfactory destiny if drift is permitted. There is possible a better destiny if the people have a sense of direction and plan to work in that direction. If a town gets this sense of direction it will come more nearly seeing itself whole than by any other process. A conception of the destiny of a town, a sense of direction, is the first essential for a planning board.

It is because of the absence of this sense of direction, this objective concept, that so little planning work is being done. Right planning is based upon complete knowledge, which makes possible an even development and a coordination of all activities. Seeing a town whole, which can't be done till you know what you have and what you are going to do with it, planning for well-rounded results, are basic, and the too common tendency to wait awhile or to shuffle along keeps us where we are, while we should be making progress.

In arriving at a sense of direction the people must know their town. They should know fully its general anatomy, so as to know where that anatomy needs readjustments, and how best to extend it to meet new growth. Progress towards a

satisfactory destiny requires this knowledge and also deliberate action to control growth.

It has been said that towns are wasting more money through lack of planning than through the corruption and inefficiency of public servants. Things are done in the wrong place and in the wrong way. This results in failure to function, in expensive changes, in a whole chain of evils. In 1900 a new main way was built out from London to East Ham. In 1907 the city engineer of East Ham said that the way was too narrow, that a proper width would have cost \$2,500 for additional farm land and that then, seven years later, it would cost \$750,000 because of the newly erected buildings. The result, he said, was that the defect would never be corrected and that there would be annoyance, delay, waste, till some new and far more expensive solution was forced upon them.

In directing growth towards right ends there is much to protect as well as much to change. Every town has an individuality. This is often an outstanding asset—it may be a marked weakness. Whatever of good there may be in the individuality of a town should be conserved, gradually augmented, for it is the safest corner-stone upon which to build. One of the major implements for protecting the individuality of a town, as well as for making it grow towards a desired end, is sound and carefully administered zoning.

Regional destiny is as important as local destiny. Take the Connecticut Valley as an example. It has possibilities second to none, but large areas obviously needing protection for residential purposes have no protection. Amherst is a good example. It is a major educational center, it has a splendid setting provided by nature and has so far developed not too badly. But what may we safely predict for Amherst? Either that it will be ruined by being allowed to drift, or that its people will decide that they are going to consciously and conscientiously direct its growth, to protect its assets and make it, as it manifestly should be, one of the finest residential towns in the region. It obviously should be such a town. It may easily be such with its present base, but it will go down and not up, inevitably, if future growth is hit-or-miss, sporadic, unconsidered and undirected.

The destiny of the Connecticut Valley, of every region, hinges upon regional co-operation and sensible control of every one of the parts. Inactivity in any part weakens the part and the whole.

Planning is the art of guiding the physical growth of towns and regions, to secure a well-balanced distribution and relationship of uses of land and buildings, densities of buildings, and means of locomotion, in harmony with social and economic needs. To this end we need

NEW LEGISLATION

The legislative proposals which will come from the recess committee on planning will decide the future of the work in this State for many years, or things will remain as they are. Our planning boards need a more definite status, we need more effective control over land subdivisions, we need regional planning powers, and we need some changes in our zoning enabling law. The recess committee will report, but the ultimate result will depend largely upon the constructive activities of the planning boards. Planning in Massachusetts faces a crisis and it depends largely upon board members whether it is to be ably met or allowed to drift. It is timely to urge the members to carefully consider the situation and do all in their power towards proper solutions.

ARE MINIMUM LOT SIZES ADVISABLE?

In the evolution of local zoning laws much attention is being given to the question of minimum lot sizes. Purchasers are unfairly treated when sold a lot too small to be usable under regulations or otherwise. Such lots are frequently used as a method of milking buyers. Say the lots are 20 feet wide and every other lot is sold. A buyer finds, because of a side yard requirement or the size of the house he wants or because he wants some space about it, that he cannot build. He goes to the developer and is told that all lots are sold, "but I know the owner of the next lot and I will see what I can do to help you." The developer interviews himself and reports, "I can get that next lot for a \$100 bonus." The buyer gets two lots for the price of two plus \$100 and then has but a 40-foot frontage. With but side

yard provisions as protection this method will be used by unfair developers, because it is a rare buyer who knows ahead of time the requirements under the law or for a decent development.

A home built upon a narrow lot has little sale value and is unfair in that it gets its light and ventilation, if any, from the neighbors, increases the fire hazard, decreases privacy, tends to overload street, water and sewer systems and increase congestion. Lots too small cost the buyer more in proportion than larger lots, retard and finally block the development of the area, throw a serious burden upon the owner and unduly increase the tax rate.

A development of small lots rarely ever sells out, as may be seen all over the country. A proper development increases in desirability as it grows. When most of the lots are properly developed a home-seeker will pay any reasonable price because of the safety afforded and the entire development sells. This actually decreases the cost of utilities and helps the developer, the buyer and the community.

Narrow lots create a serious private garage problem. There is no room for a garage and no way to get to one. There is no room for a garden or for children to play and a shack development is the usual result.

The smaller the lot sizes the greater the cost per square foot. The greater the cost of land the greater the congestion. It is a vicious circle operating everywhere and the ultimate results are our slums and a rental cost far beyond the means of those unfortunate enough to have to live in such areas. A proper scheme of growth, rigidly administered, gives a better base for all concerned, developer, purchaser or tenant, and community.

The average lot size where people insist on what is right for a home is far above what is ordinarily required by law, and larger than one would expect. In a group of sixteen self-contained cities, and six satellite cities, studied by Harland Bartholomew, the lot sizes actually used in the former averaged 6,679 sq. ft., and in the latter 10,570 sq. ft. This is what people have actually done and is proof that it is a fallacious assumption that people want dwarf lots.

Mr. Bartholomew, in his book, *Urban Land Uses*, (which all planners should read), says: "Density of population needs further discussion, particularly with regard to the ever troublesome question of whether density should be regulated in a zoning ordinance by a flat *lot area per family* regulation or by *open space requirements* around the building, or both. Very few cities now rely upon a limitation of the percentage of lot area to be occupied, as this is *per se* more or less ineffective."

People are constantly seeking the more protected areas. Assuming a considerable group of people who want large lots, the place will get them which offers protection in this respect. A man will not buy a 10,000 foot lot between two 2,000-foot lots. Population increases are slowing down. The best authorities say we will have a practically stable population by around 1980. The places that may expect to grow in the future are those offering the greatest protection. The places without protection and with low standards will lose to those which have and enforce a sound scheme of growth.

Minimum size provisions are not general, but they are provided in at least 16 places in Massachusetts and are frequently found elsewhere. They vary according to conditions and to the scheme of growth which the town may have in mind. Some sample sizes are:—Lynn, 4,000 square feet; Revere, 4,500; Medford and Gloucester, 5,000; Fairhaven, 6,000; Winchester, 6,500; Needham, 7,000; Lexington and Westwood, 7,500; Lincoln and Weston, 10,000. Great Barrington has just adopted a by-law providing for lots of 5,000 sq. ft. in the older sections and 10,000 elsewhere. Lake Forest, Ill., has a large area where 20,000 sq. ft. are required, and Santa Barbara County, Cal., requires a minimum of one acre in areas developing in accordance with such a scheme of growth. Charles S. Ascher in *Survey, Graphic*, October, 1932, says there are areas where five acres is the minimum.

A minimum frontage and width is also important. Shoe-string and freak-shaped lots will otherwise result. They will frequently damage the community far beyond anything that will be justified by the benefit to the developer.

DOES ZONING STABILIZE PROPERTY VALUES?

This question cannot be answered statistically because in a given locality we are not able to contrast the two conditions. We may know what is happening in a zoned or unzoned area but we do not know what would have happened if the opposite were true. Numerous examples show the effects of intrusions. In a Yonkers case a house rented for \$200 a month, a garage was built alongside, the rent went to \$100 and then to \$72 before the building was sold and it was then sold at an actual loss of \$12,000 below the cost a short time before. In Massachusetts a man went into the country and spent \$35,000 for a home. An intrusion suddenly appeared and he abandoned his home, has since had no offer, although one man thought he might consider paying \$7,000 for the property.

The investing interests are studying this question everywhere and they are solidly for zoning as a stabilizer of values. The president of a building and loan association, the same as our cooperative banks, says that a mortgage investor must be careful because he ties up his money in a non-liquid security and has to protect himself by careful appraisals and by forecasting the possible trends of development. It is almost impossible for such an investor to watch all that is going on in a district and he may suddenly find that intrusions have wiped out the normal value of the property and he has no recourse.

The National Association of Real Estate Boards, in its weekly broadcast of November 10, 1928, said that maximum land values arise in areas where property is used for similar purposes. It further stated that real estate values do not just happen, but are a result of natural conditions, climate, scenery, soil, drainage, etc., but particularly of the nature of the development which has already taken place and of the protection offered by the community and the developer to a purchaser of property.

In a talk before the Investment Bankers Association an appraiser said: "In making appraisals of residential property consideration is invariably given as to whether the city or town is operating under a board of survey act, city or town planning board, or has adopted a zoning system." He explained that when land in a residential area was zoned a large element of doubt was removed because zoning tends to stabilize values, primarily through preventing injurious intrusions.

The general argument is not so much for increasing values, because zoning has not been long enough in operation to answer that question comprehensively, but that we should emphasize the value of zoning in stabilizing values. C. D. MacPherson, a realtor of Chicago, brings this out when he says: "Emphasis should be given not so much to the increasing of the land values as to the prevention of loss by the indiscriminate mixing of buildings, to the protection of homes from encroachment of undesirable structures, to the protection of the business districts from the smoke and noise of manufacturing plants."

Immediately upon the adoption of zoning in Evansville, Indiana, an insurance company doing a heavy mortgage investment business there at once increased by 10 per cent the amount it would loan upon residential property. Walter Stabler, then comptroller of the Metropolitan Insurance Company, said in 1925 that he had just turned down an application for a large loan in a residential development because it was unzoned. He added that in an unzoned city the equity was never safe and that if the equity was not safe the mortgage investor was not safe, and that they had had their fingers burned often enough. The President's Conference on Housing recently held in Washington still further emphasizes this point when it urges investors to recognize the fact that depreciation in property values invariably follows intrusions of all kinds, and that if municipalities would not give the protection now available through zoning and private restrictions those already holding investments in such areas were justified in early foreclosure if there was no other solution.

A significant statement comes from the National Association of Real Estate Boards in the words of Henry G. Zander, Jr., a Chicago developer, who pointed out what it was that created values. He said that the kind of people living in a district, their desirability as neighbors, was a large element and amounted to about 25 per cent of the whole. He then attributed to zoning and deed restrictions another 25 per cent, and assigned $12\frac{1}{2}$ per cent each to the efficiency of local transportation and the schools, and smaller percentages to other elements of community life.

THE TAXPAYERS' REVOLT

The current revolt of the taxpayers and the loss of confidence in local officials is in many instances justified, in fact long overdue. But the fault lies with the voters, who have not used horse sense, and many of the remedies proposed have as little horse sense. Revolts are seldom conducted with high-minded statesmanship.

The situation affects all planning work, because it so seriously affects the problems of town building. Little planning will be done, few plans will be executed, as long as the present unthinking assault on all expenditures continues.

We are in the midst of a national emergency as serious, perhaps, as in any war we ever waged. In war we do not dwell much on balanced budgets, or self-liquidating enterprises. War activities are destructive throughout. With proper planning and long-term budgeting we could meet economic emergencies to a great extent, and in perfectly constructive ways. With sound planning we could be building many things that would help constructively to meet the emergency, all of which things we will have to build sooner or later, or shut up shop.

Here is an example of the lack of thinking now common, from an editorial in a Massachusetts weekly:—

"How would the average citizen like to work 61 days without any pay whatever?

"The answer is that he wouldn't like it at all. But that, in effect, is what he is doing. Sixty-one days' work out of each year is required to pay the cost of government. In 1924 it was 46 days, and in 1913 about 25 days."

Government expenses include schools, streets and roads, parks and playgrounds, water and sewer systems, and numerous similar things. These are "nothing," according to this writer. The same kind of thinking characterizes most of our economic leagues and taxpayers' associations.

In the same town from which comes the editorial, town money was appropriated to pay unemployed veterans, at \$4.50 per day, for cutting wood. Almost none of them could cut wood, so that the cost of the wood was two to three times the normal cost.

Where did they cut the wood? From the town farm, which incipient but unsettled plans set aside in large measure for park purposes. With a plan the trees would not have been cut, and the preferred veterans would have been set at some needed thing which they could do.

There has never been a time in our history when sound planning and budgeting would have been so useful as during the last three years. The absence of these is in large part responsible for the extent of our difficulties. We could be relieving distress and getting our money's worth for every dollar spent. We should be doing this with no blind adherence to a balanced budget and self-liquidating enterprises. A sewer system, for example, is not exactly self-liquidating, but to get a sewer system is better than doles.

The bulk of the money spent through public channels is not for government but for service. These services we can provide more effectively through cooperative than through individual action. When we work so many days for schools, etc., do we work "without any pay whatever?" Can we afford to stop all these services through cooperative action and throw them all upon the resources of the individual? When we do the individual will work more than 61 days a year for these services and get less service in return.

The assault of the taxpayer must be upon every feature of the system which returns 30 cents or 50 cents worth of service for a dollar expended. The way to make this assault is to know what we want to do and then do it well. The chief argument for sound planning is that it saves money. The justification for this discussion is that in this time of stress we are doing little planning. When activity begins again we run the risk of following the same old method of waste through ill-considered action. These are the things which a taxpayer's revolt should lead us to remedy.

SOME PROBLEMS

LEADERSHIP. The greatest need on planning boards and in communities is leadership. This leadership must be broad-gage and not narrow, civic and not partizan, generous and not selfish. To secure such leadership the people must

learn that when a man is willing and able to help solve community problems he must be treated as he deserves, with a generosity at least equal to his own. All possible leaders belong to some political, sectarian and racial group, as an accident of birth. It is unfortunate and unreasonable that this very fact will cause good people of other groups to oppose—such is our training. We are a mixed people. The world's best leaders have come from all groups. We must weigh a leader by his intention, his ability, his public spirit. We should be big enough and fine enough to go at least as far as the ancients. Mawson, in his *Civic Art*, says:—

“Among the ancients, a civic pride and civic ideal existed beyond anything which we find in the modern town. This is evident by the fact that the civic crown, though formed only of oak leaves, was considered more honorable than any other. Pliny, speaking of the honour and privileges of those who had merited it, says, ‘they who had once obtained it might wear it always.’ When they appeared at the public spectacles the Senate and people rose to do them honour, and they took their seats on these occasions among the Senators.”

GROUP ACTION. Results in the field of planning depend upon popular support. In our towns the people make the appropriations. To make the people planning-minded is imperative. This fact alone answers the assertion of some planning board members that boards should have mandatory powers. A board may prepare the soundest possible plans and it may issue all the mandates it can think of, but no plans are executed till the money is voted. Here is offered a splendid opportunity for cooperation by the numerous organizations found everywhere. An organization may have a pet activity, even as its main reason for existence, but it should always use its group influence for sound civic work. It is therefore passing strange to find a civic organization hamstringing itself at the outset by a provision in its constitution. A request was made to such an organization on a matter of serious importance. The answer, disguised to hide identity, was:—

“I am sorry to tell you that the Civic Club officially cannot take any part in this matter, since it is against our policy to enter into civic problems. However, individually there are many of us who live here in the center and elsewhere who could do a great deal but it would be impossible for us to circularize our membership in any way.

“I am sorry that we are not able to cooperate with you on this matter and I hope you understand it is only our club policies and not our interest which prevents us from doing so.”

HOUSING. Massachusetts is doing nothing towards a solution of her housing problems. These problems are serious, their by-products are costing millions of dollars and, cost or no cost, are inhumane to a great degree. There is now, for a very short time, a chance to do at least some demonstration work through help from the reconstruction finance corporation. But the state lacks the essential legislation, there is no comprehensively organized move to secure the legislation, and the owners of the congested, sweated and filthy slums are fighting such a move as likely to interfere with their profits. It is the old story of child labor, hours and conditions of labor for women, “phossy jaw,” etc., all over again. An aroused public interest could meet the needs. It is a part of any planned economy, it is a part of the work of planning boards, of the people, and of the legislature. It is a serious question whether the present emergency and opportunity can justifiably be ignored. If action is taken it will have to be taken promptly.

SPOT ZONING. Spot zoning is the zoning of a lot or small area of land for a purpose inconsistent with the area in which the spot is located. It is not according to a sound scheme of growth, starts a cancerous condition, unfairly injures neighbors who have built in conformity with law, and amounts to special privilege for the owner of the lot. It is even unsound to zone a spot for business where a small store already exists, unless there is reason for a business area there, and then it should be large enough for a neighborhood trading center. City governments and town meetings are making serious mistakes in this direction. But far worse is the work of boards of appeal in granting so-called variances which amount to the establishment of a new district. A building inspector may issue no such permit and no court in the land would order him to so violate a local law. But boards of appeal rise above the law in a way no court would do, invade the field of the local legislative body, and the only recourse is for citizens to go to the expense of a case at court.

Cities and towns should see to it that boards of appeal do not assume powers they were never intended to have.

HOME INDUSTRIES. A method of breaking town zoning laws is through careless regulation of home industries. It does no harm and most local laws permit a woman to do dressmaking or make hats or any similar thing in her home. But in a home area no home may be converted into an industrial plant or into what looks like an industrial plant or a place of business. This is just as much a breaking down of a zoning law as to do spot zoning or for a board of appeals to assume the right to permit a new building for business. Consideration is usually given to the applicant alone. The effects upon the neighbors and the district, thus upon the town as a whole, seldom receive consideration. In this way blighted areas are started, as surely as by the many other possible methods. Careless building inspectors are in this respect generally more responsible than other officials. It is the work of the building inspector to enforce the law. If there is a justifiable variance, that is the duty of the board of appeals. If a new trading center is needed, that is the work of the legislative body. In case of neglect or improper action by any officer the people have to go to court if they want the law enforced.

PLANNING BOARD ACTIVITIES

BOARDS ESTABLISHED

| | | | | |
|--------------|-------------------|----------------|------------------|------------------|
| Acton* | Danvers | Lexington* | No. Attleborough | Swampscott |
| Amesbury | Dartmouth* | Longmeadow* | Northbridge* | Taunton |
| Amherst* | Dedham | Lowell | Norwood | Tisbury* |
| Arlington | Duxbury* | Lynn | Oak Bluffs* | Wakefield |
| Ashland* | Easthampton* | Lynnfield* | Orange* | Walpole* |
| Attleboro | East Longmeadow* | Malden | Paxton* | Waltham |
| Athol | Everett | Manchester* | Peabody | Watertown |
| Auburn* | Fairhaven | Mansfield* | Pittsfield | Wayland* |
| Barnstable* | Fall River | Marblehead* | Plymouth | Webster |
| Bedford* | Falmouth* | Medfield* | Quincy | Wellesley |
| Belmont | Fitchburg | Medford | Randolph* | Westborough* |
| Beverly | Framingham | Melrose | Reading* | Westfield |
| Billerica* | Franklin* | Methuen | Revere | Weston* |
| Boston | Gardner | Middleborough* | Salem | West Springfield |
| Bourne* | Gloucester | Milford | Saugus | Westwood* |
| Braintree | Great Barrington* | Millis* | Scituate* | Weymouth |
| Bridgewater* | Greenfield | Milton | Sharon* | Wilbraham |
| Brockton | Hanover* | Nahant* | Shrewsbury* | Wilmington* |
| Brookline | Haverhill | Natick | Smerville | Winchester |
| Cambridge | Hingham* | Needham | Southborough* | Winthrop |
| Canton* | Holyoke | New Bedford | Southbridge | Woburn |
| Carlisle* | Hudson* | Newburyport | Springfield | Worcester |
| Chicopee | Hull* | Newton | Stoneham | Yarmouth* |
| Clinton | Lawrence | North Adams | Stoughton* | |
| Concord* | Leominster | Northampton | Sudbury* | |

* Under 10,000 population.

No BOARD: Adams, Chelsea, Marlborough.

CITIES AND TOWNS WHICH HAVE BEEN ZONED

| COMPREHENSIVE | | COMPREHENSIVE—Cont. | | PARTIAL | |
|------------------|------------|---------------------|-------------|--------------------------|-------------|
| Brockton | Nov., 1920 | Lynnfield | Nov., 1929 | Marshfield | June, 1926 |
| Brookline | May, 1922 | Franklin | Mar., 1930 | Fall River | Sept., 1927 |
| Longmeadow | July, 1922 | Wilbraham | Feb., 1931 | | |
| Springfield | Dec., 1922 | Natick | Mar., 1931 | | |
| Newton | Dec., 1922 | Hull | Mar., 1931 | | |
| West Springfield | May, 1923 | Westfield | Aug., 1931 | | |
| Cambridge | Jan., 1924 | Great Barrington | Mar., 1932 | | |
| Lexington | Mar., 1924 | | | PREPARED BUT NOT ADOPTED | |
| Melrose | Mar., 1924 | | | | |
| Winchester | Mar., 1924 | | | | |
| Arlington | May, 1924 | | | | |
| Boston | June, 1924 | USE | | | |
| Woburn | Jan., 1925 | | | | |
| Belmont | Jan., 1925 | | | | |
| Needham | Mar., 1925 | Milton | July, 1922 | | |
| Walpole | Mar., 1925 | Holyoke | Sept., 1923 | | |
| Stoncham | Mar., 1925 | Swampscott | Apr., 1924 | | |
| Waltham | July, 1925 | Dedham | May, 1924 | | |
| Haverhill | Oct., 1925 | Chelsea | June, 1924 | | |
| Medford | Oct., 1925 | Paxton | Dec., 1924 | | |
| Wakefield | Nov., 1925 | Worcester | Dec., 1924 | | |
| North Adams | Dec., 1925 | Wellesley | Mar., 1925 | | |
| Somerville | Dec., 1925 | Salem | Nov., 1925 | | |
| New Bedford | Dec., 1925 | Hudson | Mar., 1927 | | |
| Watertown | Jan., 1926 | Bedford | 1928 | | |
| Fairhaven | Feb., 1926 | | | | |
| Falmouth | Apr., 1926 | | | | |
| Reading | May, 1926 | INTERIM | | | |
| Lynn | June, 1926 | | | | |
| Lowell | July, 1926 | | | | |
| Malden | July, 1926 | | | | |
| Everett | July, 1926 | | | | |
| Norwood | May, 1927 | Taunton | Sept., 1925 | | |
| Gloucester | Nov., 1927 | Marlborough | Jan., 1927 | | |
| Pittsfield | Dec., 1927 | Andover | Mar., 1927 | | |
| Marblehead | Apr., 1928 | Petersham | Mar., 1927 | | |
| Weston | Apr., 1928 | Oak Bluffs | Apr., 1927 | | |
| Concord | Apr., 1928 | Northampton | Sept., 1927 | | |
| Agawam | Apr., 1928 | Barnstable | June, 1929 | | |
| East Longmeadow | June, 1928 | Attleboro | May, 1930 | | |
| Saugus | Mar., 1929 | Peabody | June, 1930 | | |
| Lincoln | Mar., 1929 | Sudbury | Mar., 1931 | | |
| Westwood | July, 1929 | | | | |
| Revere | Oct., 1929 | | | | |
| Winthrop | | | | | |



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

DIVISION OF HOUSING AND TOWN PLANNING

**ANNUAL REPORT FOR THE YEAR ENDING
Nov. 30, 1933**



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The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE HOUSING AND TOWN PLANNING

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EDWARD T. HARTMAN, *Consultant on Planning*

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The year shows but little change in territory covered by planning and zoning activity. No new boards have been established, two have been abolished, a few admit that they are dead. The Orange board was established along with the town manager form of government. The latter was abolished and the board went with it. Nahant reports: "Each year a planning board was elected at the annual town meeting, but none of them would qualify, so this year the town voted to abolish the office." The Athol report for the year reads: "No calls made for action. No action taken. No money appropriated. No money expended." Milford reports that "the planning board does not function."

A number of boards show new life and activities are extending into new fields. This is due to the injection of new blood into the boards. In several cases a new member has inquired into the possibilities, has made independent investigations as to conditions, has presented his findings and suggested action, and new work has resulted. If a board has one member with an inquiring mind and a few members who will cooperate, work can usually be started along constructive lines. Once substantially started, work of this kind will usually progress; for there are always problems to be solved and hazards to be anticipated and forestalled.

No zoning laws have been abolished and two places, Sharon and Carlisle, have adopted comprehensive zoning. In each case there are new features worthy of note. Sharon established but one business district. It is of sufficient size to meet all needs for some time, and is more likely to give the desired protection to residential areas than the plan proposed, but not adopted, of 50 business districts in the town of Billerica. It is difficult to see the need of 50 trading centers in a town, mainly residential and rural, and suburban to a city where much of the buying is done. Fifty trading centers in a town of 25 square miles will effectively block any substantial development of high-grade homes, and the result would invariably be high taxes and poor community services. When such a condition begins to show results it generally means a breakdown, which grows worse with accelerating speed. Fifty trading centers in a suburban town is like a face badly pock-marked. It requires an operation to remove each blemish.

A third town, Middleton, adopted an elementary form of zoning.

Carlisle contributes a new and significant feature in development regulation by limiting lot sizes to a minimum of one acre, with a minimum frontage of 150 feet, and minimum yard widths, front, side and rear, of 40 feet. Last year we discussed the appropriateness of considering the manifest destiny of a town, the best thing it can do for itself in the general environment in which it is located. The manifest destiny of Carlisle is residential—gardening—agriculture—grazing. If she adheres to her plan she will surely become one of the most desirable residential towns in the region. Many people are looking, even yearning, for such a town in which to live. The

need is great and the chances for such a development are all too few. On the other hand, for all who want a 20-foot lot, on a 30-foot street, amidst billboards, stores and filling stations, the opportunities are abundant and rapidly increasing in the numerous towns adhering to the *laissez-faire* policy. There are plenty of such chances in zoned, but zoneless, towns, as we shall bring out later. If Carlisle adheres to her plan she will have to fight for a time, for there are always those who seek to exploit such areas. But, again, if she adheres, she will avoid the warty, wen-like, goiterous, cancerous development which too many call growth. It is growth, but why want it?

SOMETHING TO READ

We have been asked to mention the best things on planning and zoning for people to read. This is far more easy to do than it was but a short time ago.

Every one should own and read "Planning for the Small American City," by Russell V. Black, Public Administration Service, 859 East 58th Street, Chicago; at \$1 in paper, \$1.50 in cloth. The Public Administration Service is aiming to do what its name indicates. This is its third publication of this scope, indicative of its opinion of planning and its place in the field of public administration. And Mr. Black is rarely fitted for the work. He bases all such work squarely upon its social purpose and thus avoids the pitfalls encountered by the materialistic mind which thinks that a straight line is the best line for a new city street, as well as for a new national highway between two cities a thousand miles apart. Such a conception of planning slaughters more human needs than it meets. Basic sociology is the need; for planning and zoning are basic in meeting human needs, and in creating the good community. Mr. Black, with this conception as a background, discusses principles and procedure. Believing that the future lies with the small city, he deals with the small city; and leaves the dinosaur city, with its fatty degeneration of the heart, its pinched-in-rib and stoop-shoulder-reduced lung space, its ligature-bound traffic system, to its own devices.

We repeat our mention of Principles of City Planning, by Karl B. Lohmann, McGraw-Hill Book Co., \$4; and Our Cities, Today and Tomorrow, by H. V. and T. K. Hubbard, Harvard University Press, \$5. To keep in touch with current progress one needs to read The American City Magazine, 470 Fourth Ave., New York City, \$2 per year; and City Planning (quarterly), 12 Prescott St., Cambridge, Massachusetts, \$3 per year.

A GREAT OPPORTUNITY BEING MISSED

Because of the slowing down of public works, many planning boards have ceased activities. A town has the same kinds of problems as a business or industry. And every business and industry is keenly alive to any possible chance for development. Thousands of them have plans made, ready to put into operation at the first show of revival. Towns, on the other hand, are dormant. When they do a thing, now or in the future, it will be done without proper study and with a good chance of having to be done over again, or of shuffling along in a wasteful and inefficient way. A very few boards are doing an item here and another there, with the full knowledge that each step is part of a planned and comprehensive scheme of growth, and that every step taken brings them that much nearer to the ultimate perfection which has been their goal from the beginning. Planning has cost such towns very little. The returns, as the years go by, will be very great.

THE NEED OF PLANNING IS BEING DEMONSTRATED

Just now scores of towns are looking for NRA money to give work to their unemployed. But they seldom have any plans at all. Numerous

proposals are coming in, some of them involving millions of dollars, but they are mere links in an unstudied system. Many of these proposals have but one justification, they would employ men. When a town can't show that there may be a reasonable return for money spent it should not spend money. An error in administrative law may do but little damage, for the people can ignore it. But an item of planning, once carried out, either serves or fails to serve. If it fails to fit into a general scheme of development, it doesn't function and the town has to hobble along or do the work over again at terrific cost.

For years we have urged this point, that the cheapest thing a town can do is to plan, so that when it does a thing it knows why it did it, what it accomplishes, where it leaves the town after the thing is done. Many complaints are being made that there is too much red tape. The NRA has said from the beginning, in effect: "Show us a plan, show us that the proposed step is related to other similar steps, and that what is proposed will accomplish something." There is no item of planning unrelated to other items. The town that doesn't get a cent, but that learns to plan for the future, is more fortunate than the town that wastes millions, to be repaid by future taxes.

Even as this is being written word comes from Washington saying, in effect, "We learn you have no plans. Therefore we will consider the preparation of plans as proper work under the C.W.A." So much do the authorities think of planning. They will finance no enterprise based on no plan; they will first finance the plan. Some places may get going early enough to get financed development from financed plans. Most places will get nothing.

THE TAXPAYERS' REVOLT

This subject, discussed last year, needs further attention. Towards recovery there is no greater need than to plan soundly, budget wisely, and thus guarantee a fair return on every dollar spent through public channels. Planless city growth is extravagant because of its poor results. Much of it has to be done over again. This re-doing may cost for the land needed as high as 100 to 1000 times the cost if done properly in the first place. In a concrete case, a new way was too narrow, through lack of vision and pinch-beck economy. The extra farm land through which the way was laid out would have cost \$2500. There was moderate growth along the way for seven years. Then it would have cost \$750,000 to get this same land, because of new buildings on the lot-line. The city engineer said in ten years more it would cost \$7,000,000.

Intensely selfish and narrow local interests, mainly exemplified by land-butchers, add to the difficulty. Their work adds heavily to the cost of producing a functioning community. Now the organized real estate men are joining their weaker brothers, to the detriment of sound development.

All this increases taxes, not to add to the community services, but to cover waste. Then the people responsible for the situation raise a cry, others join, and the drive is on. Active among those who join in cries for economy are corporations providing services for the people. Through waste their taxes are increased. They join readily, and they have the additional stimulus, that the more the people think about the cost of services provided through taxation the less they will think about those provided privately. Public services are throttled, even the planning for public services, if and when started, is stopped. Millions of children are being turned out of the schools, while privately provided services cost as much as in 1929.

The people must ask themselves what they pay for what they get. A city manager has given the figures for his city. There a man, wife and three children, in a home assessed at \$7,000, pay \$126 a year for all state, county and city services, schools, streets, water, sewers, police, etc. They pay \$168 a year for three privately provided services, electricity, gas and

telephone. Which could this family better go without? It is primarily a question of the cost of living, how it can be kept down.

There is an unconscious conspiracy, unconscious on the part of the users of the services, to cut the public services to the bone and to turn a blind eye towards other services. The tendency is fatal to all concerned. Privately provided services prosper in a prosperous city. They lag and die in a dying city. In the same way land butchers bring failure upon themselves. That all may face the future with hope a new point of view is necessary.

Moreover, practically all services increase the value of land. They do not increase the value of wages. Why, then, would it be appropriate to reduce taxes on real estate and make up the deficit through a sales tax, or any other tax which has the unfair qualities of a sales tax? The sales tax is doubtless more unfair to the workers than any other that has been suggested.

A NEW FEATURE OF ZONING

Wisconsin has taken a new and promising step in the field of zoning. Non-urban districts may now be zoned into areas for agriculture, for forestry and for recreation. Oneida county is the first to take action. In forest and recreation areas it permits forest industries, all camping, mining and power production features, and bars all others, including family homes. A chief object was to avoid the high cost of roads and schools for isolated families. It is also a step towards an economic scheme of land utilization, and should discourage the use of lands which are marginal or sub-marginal so far as sound agriculture is concerned. It is another step towards a planned economy, one which could be used to great advantage in Massachusetts. Were all our marginal and sub-marginal lands used for grazing, forests and recreation, agriculture would be stabilized and our large urban population would have a far better opportunity to live as it should. Incidentally economic forestry and water conservation and purification would be promoted. Should we then stop using our streams as open sewers, the whole face of the state would be changed and life in the state would receive a new lease.

LEGISLATION

After two years' work the recess committee presented new enabling laws covering municipal planning and zoning, and a state planning board. Only the zoning enabling law was passed, Chapter 269, Acts of 1933. The failure of the planning bills gave the movement a serious set-back. It leaves the municipalities and the state very much handicapped.

The board of survey work should be in the hands of planning boards, there should be definite sub-division control, and local authorities should be empowered to require in all new streets, opened for residential development, the services essential to health and safety. If these services are not required, over-development results, and municipalities face bankruptcy if they provide services for a scattered development. There is no reason why towns should thus bear the chief cost of unwise and harmful land speculation. Almost every place already has laid out more undeveloped lots than it has developed lots. Towns are bleeding themselves white in order to keep land developers active doing wasteful and unnecessary things.

A state planning board is much needed. Its first studies should be to find the best social use to which land may be put. At once this is needed for housing proposals. Homes should not be built where the best set-up would locate business or industry. The converse is true, and more mistakes are being made on this side. This would be but the beginning of studies for land utilization for the entire state. (See above—A New Feature of Zoning.) A state master plan would follow. Each step actually taken would thus become part of a comprehensive whole. Enormous savings would result, efficiency would be promoted. While all industries are demonstrating the wisdom of planning, we should be able to see that no state, county or town can afford not to plan.

ZONED, BUT ZONELESS

Although the problems and needs of the future make it an unwise thing to have done, there has been, and there still continues, a pause in planning activities. This pause offers a good opportunity for an appraisal of what has been accomplished and the trends in zoning, the main field of planning activity in recent years. What is the purpose of zoning? Is it accomplishing this purpose? What are its main elements of weakness as it is being applied?

Upon many elements, as a background, modern zoning is based. Modern zoning, too, is but in the early stages of its evolutionary process. Since 1916 use zoning has been applied, at least theoretically, in most of the large cities. Height and area zoning in these large cities is, for practical purposes, non-existent. The purposes of height and area zoning are to prevent congestion, with all its numerous social and economic implications, and to provide light, ventilation, fire protection and privacy. The height and area provisions in large cities have no legal justification, for they do not prevent congestion, and they do not provide light, ventilation, fire protection and privacy. Moreover they do not even tend in the direction of doing these things. Their maximum provisions for height and coverage are so far beyond any scientific norm that they amount to a constant invitation to individuals to do what no city can allow, throughout its entire area, and live.

If buildings are to be lighted, other than artificially, at least two opposite sides from top to bottom should receive the direct rays of the sun throughout at least one-fourth of the day-light day and throughout at least half of the year. This is an absurd norm for the purposes in mind, but our cities have been zoned with no norm in these respects, with no norm which has a social or scientific base in any other respect. In short, all the large cities and most of the small ones, which are zoned, have no zoning with any base in reason in most respects. And with what they have, as far as they have it, they get but mediocre results because of faulty administration, as we shall bring out later.

Zoning, to mean anything, must have a social purpose. It must protect the health, safety, morals and general welfare of all the people. This is its only justification. It is for these reasons that zoning is done under the police power, that is, the power of the people to regulate anything affecting their health, safety, morals or general welfare, with no call to pay compensation to those who are regulated, as compensation is paid when property is actually taken for a public purpose under the power of eminent domain. This social purpose obviously calls for a regulation of the location of various uses, so that a noxious trade may not locate itself in a district of homes and render the homes uninhabitable. It must, likewise, regulate the height of buildings and the coverage of lots, so that the other features of health, safety, morals and general welfare may be protected.

Height and area, for example, are matters of proportion, that is the relation of height to the open space about the building. Open space is provided only by streets, yards and courts, with the occasional help of railroads, streams, water-areas, and parks or playgrounds. In the northern half of the United States, from the Atlantic to the Pacific, the average angle of sunlight for the year is approximately forty-five degrees. Applied with any rule of reason, this means that if a building is to be fairly well lighted no portion of it may ever be higher than the width of the open space upon which it fronts. To be consistent the building should never be higher than the width of the street upon which it fronts, the combined backyards should be as deep as the street is wide, the combined side yards should equal the width of the street, and the least dimension of a court should be not less than the height of the building. What zoning law provides for such proportions? Instead of a norm with some sound reason back of it no norm has been followed, with the result that every city zoning law in

all, or at least most, respects is a constant invitation to a builder to commit suicide. He gets along all right as long as other buildings alongside, in the rear and across the street are low, and with slight coverage. He can go to practically any height and cover all of his lot that is possible if he provides light for rooms facing parts of his own building. He gets his light and ventilation from his neighbors; from land which they provide and upon which they pay taxes. But what happens when the neighbors, and all other neighbors, built to the same height and with the same absurd coverage? It then amounts to wholesale suicide and we get, as we are already getting in large areas of all our larger cities, what Deems Taylor calls "The City That Died of Greatness." There is no other possible result.

The loudest yowlers over tax rates are the people responsible for the tax rates. Too-high buildings force decentralization with resulting loss of earning power and increased taxes to service the larger areas. Proper height and area limitations, enforced, are among the surest means of stopping undue decentralization. The effort to make moles out of humans will work in some measure, but with ever decreasing efficiency.

The land and building speculators are responsible for the fatal condition which confront our cities. The average height of buildings on Manhattan Island eight years ago was about five stories. It is doubtless under six stories at the present time. If six-story buildings produce present traffic conditions in New York City, what will be the traffic conditions when buildings average nine, twelve, twenty stories high? And conditions in Chicago and Detroit will soon be just as bad. Still other places, many of them, are improving themselves towards destruction as fast as they can. Philadelphia, unzoned and unashamed, is getting along almost as well as the rest of them.

Boston had a slight advantage in that a Massachusetts law limited all buildings, over the entire state, to one hundred twenty-five feet. But Mr. Statler wanted to go higher, so the legislature, at the behest of the thoughtless, changed the height, for Boston alone, to one hundred fifty-five feet. And Boston has its Statler, which covers all of its lot, one hundred fifty-five feet high, while it handles its passengers, freight, everything in the streets and over the sidewalks. Boston is an old, somewhat picturesque, city, with very narrow and quite crooked streets. Its traffic congestion is in some ways as bad as in the worst cities. Under the Boston zoning law two more Bostons may be placed on top of the present one. Her zoning law is similarly defective in almost every other direction. So Boston, like the other cities, is zoned, but has no zoning. She hasn't even the absurd provisions written into the law, for there are ways of avoiding all of them, except possibly the meaningless height limitations. This one hold on what lacks meaning resulted from a flagrant permit to violate the law secured by the Ritz Carleton.

In "Government of the People," by D. W. Brogan of the London School of Economics, the writer says: "Can we wonder, then, that to the old and traditional connection between contracting and Tammany Hall, there has come to be added a new 'racket' and that the ex-leader, in his practice before the 'Board of Standards and Appeals,' has acquired a practice, and an income, that put him in the running with the ablest advisers of law-hampered corporations? The roof has recently been removed from this section of Tammany Hall, but it is highly probable that, undisturbed by any Seabury, machines in other cities are working the same seam." What an English student may surmise many Americans must know. All the more, then, must we assert that many zoned places are zoneless. Faulty technique and faulty administration make much zoning as meaningless as the great American social experiment, prohibition.

It will be inferred, from what has gone before, that zoning in cities doesn't amount to much. Among those who know there is general agreement that it doesn't. Were the cities to be actually zoned, according to some rule of reason, according to some sound plan of development, and

were this zoning to be enforced, the cities might be made to live in spite of their greatness. But, in both respects, this is too much to look for in the near future.

Some smaller places have done sound zoning, and some of these are enforcing their zoning laws. With these as examples and with city conditions, growing worse and worse, acting as an expelling powder to drive the people out, zoning will, sometime, have a new birth and its proper results will be secured over wider and wider areas. But we must not forget that it is our sloppy, *laissez-faire* policy in city building which results in intruding apartments, stores, filling stations, what not, into residential areas. These crowd and drive out the dwellers, into new areas. Then the intrusions follow, and again the people move. New community institutions develop and go down, new public utilities develop, remove the load from the old but effective utilities, doubling and tripling the cost. A desert of wreckage spreads and economy, efficiency, desirability disappear in the maw of reckless change.

There are numerous forces working towards zoning, each limited by essentially selfish factors and, likewise, propelled by selfish factors. When zoning was first proposed the practical men, which in America includes most people, said it was a fine idea but that it wouldn't work. They were right in one respect, for it hasn't worked, in the main. But it is working in places and it is of such a nature that it will work over wider areas and with increasing efficiency. Every major interest now backs the zoning movement. By interest we mean groups like the National Association of Real Estate Boards, all street, water and sewer engineers, all public utilities, all mortgage investment interests, the professions of engineering, architecture, landscape architecture and medicine, the lawyers who accept no cases where it is sought to break down zoning laws, a very limited number, and home owners everywhere. Many of these groups, notably the real estate group, will seek to break down laws in specific cases where selfish interests are involved, while, with equal fervor, the same group will uphold zoning where it is to its interest to do so. In many cases where one man would smash the law, others in the same group will uphold it, because what the one would do would injure the others.

The mortgage investment interests are gradually coming to favor loans on single-family homes in zoned areas where the zoning is enforced. As Mr. Walter Stabler, then comptroller of the Metropolitan Insurance Company, said to the writer in 1925, "I have just refused a loan on a large residential development because the municipality was unzoned." Asked to give specific reasons why he favored zoned cities, he replied: "Because the equity in a home in an unzoned area is never safe. If the equity is not safe we are not safe. We have had our fingers burned often enough. I consider it good business to refuse such loans, and good citizenship in that such refusals will tend towards waking up people who refuse to give themselves the available protection." In spite of this general attitude, mortgage investors, when they have come into possession of a piece of property, are very apt to try to break down the law if they think they can profit through some special privilege.

It is becoming quite common for real estate dealers to lose loans on and sales of property because of the absence of zoning. The country is filled with people who have had the sad experience of having to abandon their homes, with great loss of money and time, and with great inconvenience and sacrifice of sentiment, because of some fatal intrusion. A concrete example will illustrate this point. It is in a zoned town where zoning is not properly administered.

A man and wife who like some of our early American architecture, who want such a home in an open area and who like to grow things, buy a home on a quiet street, in a thinly settled, out-lying area of a zoned town. More money is put into developing the home and the grounds than was originally paid for the place. Three children are born, business is fair, the family is

healthy and all are happy. Across the street is a small greenhouse, which the people like because of their interest in things that grow.

But an ogre raises its head and gradually lashes itself into a destroying demon. The owner of the greenhouse applies to the authorities to change his site from residential to business use—he wants to sell cut flowers grown by him. He is told that it can be arranged without a change of zone, but he insists and the authorities are complacent. They put the matter before the people and the town meeting votes the change. Then the property is sold to a man who runs a string of dance-halls, with restaurant, drinks, bowling alleys, shooting galleries and similar means of permitting the American people to enjoy themselves. Milk, ice and supply trucks begin to deliver around six o'clock in the morning, the day is a more or less gala affair, and the night till twelve o'clock is rollicking. From twelve till twelve-forty-five or one o'clock the one thousand to fifteen hundred automobiles which have collected get themselves under way, with open cut-outs, grinding gears, sounding horns, banging doors, calling, singing, and yelling, and, sometime, the quiet of the night closes down and the country-loving family settles in peace to its possible five hours of slumber. Through a combination, and who can say how much this nuisance has to do with it, the wife has been seriously ill, for a long period in a hospital. The children are nervous and the father is driven to his wits end to know what to do. He has just said: "Three years ago I had a healthy and happy family, a beautiful home, a good business, and an automobile. Now my family is ill, my home is destroyed, my business is shot to pieces and I can't afford an automobile."

Since the first draft of this report was written this man has sold his home at great financial sacrifice and has located elsewhere, in another zoned town, where he hopes that the zoning will be enforced and that his home will be protected.

This is an actual case. It is not a rare case. It justifies abundantly the question as to whether we have ever built this country at all. It forces us to question our sanity.

No old city of great size may ever profit substantially by modern planning and zoning except at enormous expense and after a long period of time. By establishing a sound, long-time policy, by a sense of direction, a constructive vision, adhered to without fear or favor, city areas seemingly blighted could be reestablished and kept from destruction. But there is no hope for such rehabilitation as long as one accepts the theory, as it is now accepted, that business and industry must expand from present locations, in all directions, until ultimately the whole area will be so used.

The only sound policy, with any guarantee of permanency, is to definitely restrict commercial and industrial expansion in such areas. All possible areas for homes must be held inviolate, and upon such areas must be imposed constructive regulations for light, ventilation, sanitation, and fire protection so that, in time, the areas will have the qualities of efficiency and permanence which will insure their life as regions.

It is easy to zone such areas in a meaningless way, which is what has been done. To be conscientiously scientific, to conceive a sound objective and to lay down a plan which will achieve that objective, and then to enforce that plan by allowing no grant of special privilege to the many privilege-seekers who come, power, pull, politics and graft in hand, requires a sense of direction, backbone, and plenty of hard work. A blind man who knows nothing about what will produce a functioning city can lay out a lot of zones and impose upon them meaningless regulations.

In regard to how to zone and how to administer zoning there are many schools. There is not space to go into all of them. A too common method is to lay down zone lines around the main business and industrial areas, leave the remainder for dwellings, and to consider small businesses already in these residence areas as non-conforming uses. This will do well enough,

so far. But it is the principle to be applied from here on which actually decides whether such an area is zoned or not.

Here it is necessary to point out that there are many minor adjustments to be made in the actual application of zoning laws. A law, for example, provides for ten-foot side yards for homes. A man has a thirty-foot lot, with developed lots on both sides. A board of appeals, actually a board of adjustment, is provided to handle such cases. It would be no adjustment to tell the man he could cover the entire width of his lot and steal his light and ventilation from his neighbors, while at the same time increasing their fire hazard and decreasing their privacy. He should be told that he may build a bungalow twenty feet wide, with the gables fronting the street and the rear yard, so that the neighbors will have all the protection possible under the circumstances.

The prevailing type of enabling law provides that the board of appeals may vary the application of the law in a specific instance where a strict enforcement would impose an unnecessary hardship and wherein relief may be granted without breaking down the purpose and intent of the law, but not otherwise. In the illustration used above these principles were applied.

Let us now go back to the zoned city, as outlined. A man owns, or buys, a lot adjoining a business area or adjoining a non-conforming use. He wants to erect a public garage. He sees a good chance to exploit the neighborhood. He goes to the building inspector, who refuses a permit. The building inspector's duty is to enforce the strict letter of the law. He can make no variances. The applicant goes to the board of appeals for a variance, or he goes to the city government for a change of the zone lines. If he fails in the one place he frequently goes to the other. He may be refused a zone change and then, upon going to the board of appeals, be granted a variance.

Is a permit which is in violation of the zone lines a variance or a violation? In a recent Massachusetts case the board of appeals issued a permit for a so-called variance, stores in a residential district, three succeeding times. Each time neighbors appealed and were upheld by the courts. At the third hearing before the board the neighbors pointed out that the matter had been thoroughly covered and that the court had rendered its decision. The answer, by the chairman of the board, was that the board was not interested in the decisions of the supreme court.

There was, in the residence area in question, and erected before zoning was established, a group of small stores. Because of this fact there are those who say that ordinarily the courts would have upheld the decision of the board of appeals. This means, if it means anything, that in a residential area every already existing business or industrial use, whatever its size, is to be allowed to expand. One is thoroughly warranted in asking whether, under this principle, any place can be zoned at all. If a zone line is not a line, but a stretch of amoeba, writhing, sliding, squirming according to the momentary whim of an administrative board, there are no zone lines and there is no zoning. Zone lines should be laid down with deliberation and changed with equal deliberation, by the legislative body only. This requires study to ascertain the best social use to which all lands can be put. If it is to be residential it must not be business or industrial.

As far as residential zoning is concerned, every intrusion of business and industry, zoned as non-conforming, is a center of blight, like a ringworm, if this expansion principle is to be followed. There are only two methods of approach to the problem. You let the ringworm extend until it covers the whole body, or you kill it. The finest word ever said on the subject was by the Connecticut supreme court. "The ultimate object of zoning ordinances is to confine certain classes of buildings and uses to designated localities or districts. The continued existence of non-conforming uses is inconsistent with that object and it is intended that conditions be reduced to conformity as speedily as possible . . ." This is the final and only word

that needs to be said, if it is intended to zone an existing city and make zoning mean anything. The same sound principle was enunciated by the Wisconsin supreme court when it said that to permit the expansion of a non-conforming use was to make all zoning meaningless. Sound zoning requires that many intrusions be not recognized, but left as non-conforming and eliminated as soon as possible.

And this forces us all the more to the conclusion that many zoned places have no zoning. They have zone lines, accompanied by meaningless height and area provisions. But the zone lines are not enforced, nor yet the height and area limitations. There need be no existing non-conforming use to prompt a seeker after special privilege to appeal to the city government to zone for business a single lot in a residential area. This is called spot zoning. It has no legal justification and will destroy any zoning scheme. Or the applicant may appeal to the board of appeals for a "variance." If his approach is proper he may be granted a "variance."

In the method of approach to the board of appeals lies the great menace to zoning. When a man's vote is worth buying there are those who will buy it, if it is for sale. The sale of privilege is not confined to Volstead Law officers. And independent racketeers step in, in zoning as well as in other matters. The Seabury investigation disclosed that a veterinary surgeon, practicing (not as a veterinarian) before the New York board of appeals, deposited over a million dollars in an eight-year period. He collected from privilege buyers, of course, enough more to make the wheels go round. His powers of persuasion were dependent upon something else than his vocal chords. He is still practicing in a non-veterinary sense.

It needs only a Seabury investigation to disclose similar conditions elsewhere. And an expensive "practitioner" is not always necessary. There are boards which are organized. A runner (at a very small expense) tells the applicant what it will cost, and without forking over he gets no consideration, even when he seeks only a perfectly proper and necessary adjustment.

One may ask whether the American people are always going to submit to such conditions. Or is there to be a new deal? It depends upon the people. As long as the people hire agents to sell them out we will go on as is. But there is little likelihood of the death of all zoning, as with prohibition. The hold of zoning is too strong. Its appeal is too wide and its results are too constructive to ever permit its abandonment. This is demonstrated by the fact that there is on record but one case where a zoning law was repealed outright. Elementary laws have been repealed when a comprehensive law was substituted. The one case of direct repeal was of an elementary law only, and that at the behest of the then mayor after he had performed the duties of his office for two months from the jail where he had been sent for violating the zoning law. Zoning promises to be a chief factor in causing a clean-up of municipal government. It has already happened in a few small places.

Until the people will select administrative officers with greater care, they will have to accept the results or go to the courts to get the proper administration. In a late New Jersey case, a single lot in a residential area was changed to business—by adding it to a business area about half a mile away. The court said, "Taken by itself, this ordinance gives the impression of a fundamental disregard of the statute, (to secure reasonable neighborhood uniformity, and to exclude structures and occupations which clash therewith). Taken in connection with its antecedents, that impression is confirmed and intensified. I think the amendment is utterly unreasonable, and that it was enacted in disrespect of this court and apparently to work out a new way of attaining an unworthy and illegal result."

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|--------------|-------------------|----------------|------------------|------------------|
| Acton* | Concord* | Lawrence | No. Attleborough | Taunton |
| Amesbury | Danvers | Leominster | Northbridge* | Tisbury* |
| Amherst* | Dartmouth* | Lexington* | Norwood | Wakefield |
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| Ashland* | Duxbury* | Lowell | Paxton* | Waltham |
| Attleboro | Easthampton | Lynn | Peabody | Watertown |
| Athol | East Longmeadow* | Lynnfield* | Pittsfield | Wayland* |
| Auburn | Everett | Malden | Plymouth | Webster |
| Barnstable* | Fairhaven | Manchester* | Quincy | Wellesley |
| Bedford* | Fall River | Mansfield* | Randolph* | Westborough* |
| Belmont | Falmouth* | Marblehead* | Reading* | Westfield |
| Beverly | Fitchburg | Medfield* | Revere | Weston* |
| Billerica* | Frammingham | Medford | Salem | West Springfield |
| Boston | Franklin* | Melrose | Saugus | Westwood* |
| Bourne* | Gardner | Methuen | Scituate* | Weymouth |
| Brantree | Gloucester | Middleborough* | Sharon* | Wilbraham* |
| Bridgewater* | Great Barrington* | Millis* | Shrewsbury* | Wilmington* |
| Brockton | Greenfield | Milton | Somerville | Winchester |
| Brookline | Hanover* | Natick | Southbridge | Winthrop |
| Cambridge | Haverhill | Needham | Springfield | Woburn |
| Canton* | Hingham* | New Bedford | Stoneham | Worcester |
| Carlisle* | Holyoke | Newton | Stoughton* | Yarmouth* |
| Chicopee | Hudson* | North Adams | Sudbury* | |
| Clinton | Hull* | Northampton | Swampscott | |

NO BOARDS: Adams, Chelsea, Marlborough, Milford, Newburyport.

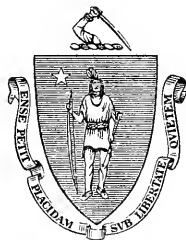
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The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

DIVISION OF TOWN PLANNING

**ANNUAL REPORT FOR THE YEAR ENDING
Nov. 30, 1934**



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The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE DIVISION OF TOWN PLANNING

ANNUAL REPORT FOR THE YEAR ENDING
November 30, 1934

RICHARD K. CONANT, *Commissioner*
EDWARD T. HARTMAN, *Consultant on Planning*

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HARRY C. SOLOMON, M.D., Boston

The numerical count for the year shows but little change in the situation as to planning boards and zoned places. Efforts to revive the boards in Andover and Milford were quite successful in the former, not so much so in the latter. Stockbridge established the only new board.

Three new zoning by-laws have been adopted. Wilmington and Wayland enacted quite good laws, comprehensive in nature. Stockbridge enacted an elementary form of use zoning. Winchester changed lot sizes in her single-family areas from 6,500 square feet to 10,000 and 15,000, both applicable to considerable areas; and Weston changed a large area from 10,000, which formerly applied to the whole town, to 15,000. These are in keeping with the trend of development in these towns and will have great protective value, reacting helpfully on the tax rate.

Now that population in the state as a whole is becoming static in numbers, some places will grow and others will decrease, the factor of competition being the general conditions in towns as to functional efficiency, tax rates, and the protection given to those who buy or build there. A place unzoned, or well zoned but where the board of appeals constantly breaks down the law, will decrease or grow but little, and its expenses will increase, while in protected places the opposite will prevail.

There is much activity in zoned places, and some evidence of renewed activity among planning boards. Zoned places are placid in the face of violations, or are putting effort into protecting their laws, and their towns, not always with perfect success. Fifteen to 25 per cent of the stores in a town may be vacant, and many others barely hanging on, but almost every day there is somewhere a notice of hearing to add new business through spot zoning, or of appeal to persuade a board of appeals to exceed its powers and violate the law. The 1933 amendment of the zoning statute greatly increased the powers of boards of appeal to protect their towns, by making it illegal for them to exceed their powers. The former law was more vague.

The number of calls for help in interpreting laws, in preparing constructive amendments, and in outlining procedure and arguments for removing violations is increasing. These calls are probably four to one for help in getting new work started. The state is much more active then the increase of boards and zoned places would indicate. The main activities are in zoned places, actual planning and the adoption of new zoning laws being less significant. If all places were zoned, all activity in the zoning field would be towards improving and enforcing zoning laws. It is towards this that we must travel. Zoning continues to arouse more civic interest than any other local activity, and it promises to hasten the day when towns will elect and support capable officials, instead of contenting themselves with officials who require such constant watching as now is required in many places.

NEEDED LEGISLATION

Massachusetts needs a planning enabling law and a state planning board. These proposals have been twice before the legislature, but too few people are planning-minded and this, coupled with inertia partly due to economic conditions, have resulted in nothing.

Planning Enabling Law

The Massachusetts planning law consists of three short sections passed twenty-one years ago, plus a board of survey law which is elementary, vague, and not effective. Planning boards must be more active, their duties must be more clearly outlined, and the people must support them. Weakness in these respects results in inconvenience, loss of time, accidents and terrific financial loss. A planning board properly administered costs a little money, but it will save much money. There is no better investment than a small amount spent for sound plans and for a suitable and effective zoning system.

We complain over taxes and refuse to do the only sensible things which will constructively reduce taxes. We are so accustomed to waste, inefficiency, and negligence that we refuse to apply a remedy. Complaining cures nothing in sickness. It does no more in public affairs. It is time to act. Where complaining results in no constructive action it is merely silly. Where it finally leads to destructive action it is vicious. Because of lack of vision most of the resultant action at the present time is vicious.

No present law, or hitherto proposed law, permits proper regulation of new subdivisions. A subdivider may do pretty much as he pleases, which generally means that he lays out land where there is no need and then does little more than to plow a furrow on each side to indicate streets laid out with no coordination with existing streets. Places with active boards of survey and zoning laws regulating lot sizes may partially regulate, but they have no control as to the amount of such development.

There are in the country now probably enough laid-out but undeveloped lots to care for 100,000,000 people. This means that there are now more subdivisions than will ever be needed. The bulk of these lots will never be used because of faulty lay-out and location. On the other hand, there is much land properly located for development which has not been laid out. This points to the imperative need of strict subdivision control. Every new subdivision should be accompanied by a certificate of public necessity and convenience, and certain amounts of street and utility development should be required, under bond.

In the absence of these features all we will accomplish will be more expense, inefficiency, a rising tax rate and a decreasing tax base. If bad planning and encroachments are allowed to continue the only result must be unstable values, heavy expenses, and prolonged financial distress. The results of the work of the land butcher are to be seen everywhere. It is suicidal to continue along present unregulated lines.

These improperly located and badly planned subdivisions necessitate many miles of unnecessary streets and services. Our industries and businesses do not plan their buildings for the utmost inefficiency and expense, and it is time for our taxpayers associations, made up mainly of industrial and business men, to support sound planning simply because of its reaction on local expenses. Sound planning has wide social utility, reacting helpfully on all aspects of community life.

State Planning Board

State planning is even more essential than town planning. All elements of the physical development of the state must be coordinated, each element within itself, and in relation to all other elements. This applies to highways, to public open spaces, of which we have too few, to state forests, to areas for protecting public water supplies, to public institutions, and to all other elements of the physical development of the area. And just as important is a policy for the protection of main highways after they are developed. We are wasting as much money through failure to protect what we do as in any other way. We may illustrate both of these points by recent examples.

The East Boston vehicular tunnel connects the most congested portion of Boston with an island. The interchange of traffic between these two points is limited primarily by what originates on the island, moves towards Boston in the morning and returns in the evening. It seems never to have been considered as to whether this amount of traffic would justify the millions which the tunnel cost. Tolls are charged and the enterprise does not justify itself. It is therefore proposed to spend more millions to develop a way across the island, then on to the mainland, and

make it a through route to the north. A little of this through traffic may be expected to originate in the old city, but the bulk of it, if it is ever to amount to anything, must come from other parts of the city and from points north and south. But the old city is so overdeveloped with buildings in relation to its street system that traffic can't pass through it, and more millions are to be spent to finish the already partially developed circumferential by-pass so that traffic may be cleared as rapidly as possible around the city. Through traffic is to be cared for in this way. The question arises as to just why the East Boston vehicular tunnel was built, and as to the soundness of such planning, such coordination — or does it merely mean the absence of planning and coordination?

The Boston-Worcester road cost \$175,000 per mile. It was, presumably, developed to expedite traffic. Its borders are unprotected, dance halls, filling stations, stores, all kinds of uses are developing on its bordering lands. Parked cars, many and increasing intersecting streets, private driveways, occupy the lanes of travel and interfere with the movement of traffic. One car parked in every 500 feet will effectively keep traffic out of one lane of travel, slow down the inner lane to the speed of the slower vehicle, or oblige passing to the right when a chance comes between parked cars. Cars entering from private ways will frequently block such passing. A four-lane way, two rapid, two slow, will thus be reduced to two slow. At least three additional ways of the same kind will have to be built to clear the traffic this road, protected, could clear.

It is assumed that planning costs money. Planning, budgeting, scheduling developments according to need, save money and will do more to promote economy and efficiency than anything else. Right planning and protection in the two cases used as illustrations would have saved a capital fund which would have paid the cost of state and local planning for all time, and this would guarantee the saving of many billions.

A point impressing many people is that their main chance of enjoying the natural beauty, of which we have so much, is from these main thoroughfares. They desire that these ways be protected for this reason. To expedite traffic, to reduce traffic hazards, to protect natural beauty, it therefore becomes necessary that these ways become freeways, as they have been called. The matter of expense will finally force the freeing of these ways from all interference, and the expense of making them free will be increased a hundred fold if it is not done now.

The thoughtless argue that such ways develop great opportunities for business and that taxable values may be increased by using abutting lands for business purposes. This is stressed by the owners of the land and by town officers. The facts are that main highway frontages are to a very limited degree good business frontages. If the lands bordering our state highways alone were solidly and substantially developed for business they would meet the trading needs of 50,000,000 people. We have not, and will not have, that many people. Moreover, we already have more or less well developed business frontages extensive enough to meet the needs of more people than we will ever have, and we have zoned for business, omitting all state highway frontages, five times as much land for business as can ever be used in a sound economical way.

Our main highways must be used for expediting traffic. If we want to enjoy our highways and support our summer industry we must protect the natural beauty along their borders.

TOWN PLANNING

The primary motive of town planning has come to mean mainly efforts at solving traffic problems. The basic American system was naturally and sensibly confined to as few streets and roads as possible, and of a width to permit two vehicles to pass with reasonable convenience. But finally cities developed. Even when buildings were low and somewhat far apart, it became customary, because necessary, to widen central streets in order to clear traffic. The greater the city the greater the traffic needs in the main centers; and the problem increased in seriousness. Much thought was given to it, but the shoe didn't pinch sideways and endwise enough to produce corns and the loss of toenails.

Then, almost at the same time, came the steel frame building and the automobile. Overnight the problem grew in magnitude, but the human intellect doesn't expand

in a hurry. The mind of man was not capable of solving this problem and meeting the needs of this growth while growth was active. It came, however, to be accepted that better and wider streets were necessary, and that good roads should connect the cities one with another.

Good streets and roads came first, rapidly, unsoundly in large part because of no planning or coordination, all because automobile drivers became vociferous. It resulted in a street improvement and road building era such as the world had never seen.

In the meantime buildings became higher and automobiles blossomed like a cherry tree in springtime. This called for more roads, better and wider roads. Two basic mistakes have become manifest, but, as with all other problems where conflicting interests are involved, narrow interests, rather than true statesmanship, are still in control.

The two outstanding errors lie in failure to recognize the imperative relationship between bulk of buildings and width of streets and open spaces, within cities, and the need of protecting inter-city roads for the purpose for which they are built.

We try to develop upon the existing street system a bulk of buildings, and the entailing demand for traffic facilities, anywhere from four to ten times what the street system can carry. The problem cannot be solved by widening existing streets. To attempt it is to throw the whole existing system out of gear. If it is proper in all respects to build to 600 feet in height with a 100 per cent lot coverage, streets must be about 600 feet wide. It is possible only on an entirely new layout. And even then it would arrive nowhere.

The present street layout, if adapted to excessively high buildings, would require street widening to such an extent that there would be left valueless lot sizes. Excessively high buildings necessitate excessively wide streets, and there are basically sound reasons against both. High buildings are more expensive, per cubic yard of usable space, than lower buildings. This comes from heavier foundations, thicker walls, wind bracing, and the amount of space required for elevators and services. Excessively wide streets, the only kind that can care for excessively high buildings, are practically and economically unjustifiable. By practically unjustifiable we mean that when you go over a four-lane way the cross traffic problem becomes impractical. A twelve-lane way will care for more traffic than a two-lane way, if all traffic were in two directions. It isn't, and that is all there is to it. Streets have to bear a ratio to the demands placed upon them. If you can't widen them the only thing you can do is to limit the traffic demands placed upon them.

Take any given ten square miles to be newly developed as a city center. The bulk of buildings which may be usable depends upon the street space, whatever the land-owner and politicians may say or desire. If the buildings are so high, the streets must be so wide. If the buildings are 200 feet high the streets must be at least 200 feet wide, for light and ventilation as well as for traffic clearance. Suppose, on the other hand, buildings are 50 feet high and streets are 50 feet wide, what is the difference? Figure it out. Inch for inch and ounce for ounce some fishermen say the bass is the greatest fish for sport. The difference is that in the case of the bass, if the fisherman goes with too light tackle or too little skill, he loses his fish, while in the case of a city, where the length and width of streets exceed the tackle and skill (the plan and design of streets), the people lose, not only the fish, but all they have spent for the tackle. It doesn't pay, it doesn't work, it is fatal to tax association ideas, to city development and perpetuity.

As to main highways, inter-city ways, they are built at great public expense, mostly at the expense of automobilists through the gas tax, to facilitate traffic. Each new road is built on land for which the owner is paid many times its assessed value, and which assessment he always says is too high. After the road is built the abutting land owner expects to appropriate the road entirely to his own uses. Through a right use of the road a landowner has enormous advantages. From it at some proper point he has access to his land and may convert the whole to any use for which there is any need. Where there is need each development, with its proper system of streets, can function and cause no injury to the main way. But the main way must be restricted to traffic uses. It is killed if it is unrestricted.

ZONING

Under the head of "Zoned, but Zoneless" we last year pointed out the futility of zoning with improper norms of control. The general question has been discussed in many places and from many points of view in recent months. There is common agreement among the more serious students that what we have is meaningless, in most cases even pernicious, and that it is time for us to rewrite our zoning laws so that they may accomplish the major social purpose for which they were originally designed.

Two things are essential if we are to make zoning effective. First, a zoning law must be so written that it will produce results. It must establish norms as definite in their relationships as that between the power of an engine and the weight of the load. Second, the law must be enforced. Our zoning laws are in general deficient in both these respects.

When relationships are to be established between two physical and mutually interdependent things, the ideal way is to agree upon function, purpose, the totality of both, and then work out the relationships. When either of two essential elements is already fixed, we develop the other element in relationship. When we have an uncovered building 25 by 30 feet in size we do not cover it with a roof 500 by 600 feet in size. Our street systems were developed to meet needs totally different from those of the present time. Their planning did not anticipate the demands we now place upon them.

The primary purposes of zoning are to adapt certain things yet to be done to certain related things already done, so that the two may complement each other and function together. Neither function should be allowed to destroy the other function.

Assume any street system as already existing, and in the main all the street systems we will ever need do already exist, the problem is to adjust all that we do to the street system. The basic needs are traffic clearance, the lighting of buildings, ventilation, fire protection, privacy. These things are inter-related, as well as being related to the street system. Whether a street system can clear the traffic of a given development depends upon the height and coverage — that is, bulk — of buildings (further affected by the size of the area involved). The height and coverage of buildings also control light, ventilation, fire protection, privacy; they affect health, police administration and make or break a city.

The facts are that cities have not been zoned for function, but to protect land values. And the best way to kill land values in a given area is to make it impossible for that area to function. New York City, with all its streets, subways, elevated ways, costing billions, functions miserably as it is. It is zoned to accommodate (?) 77,000,000 residents and 344,000,000 workers! The Back Bay in Boston, the 130 acres zoned for residence purposes, has 8,970 people in it now, while it is zoned for approximately 48,500 people. Its only possible future is residential and this future is vitiated by a zoning system which will produce an impossible traffic situation and results as to light, ventilation, fire hazard and privacy which will mean a glorified slum, half vacant, costing enormously for administration, producing a gradually decreasing tax return and a great loss of values. Buildings 80 feet high and covering 80 per cent of their lots would be quite valuable if they could function. But they can't function on the existing street system. People who can afford the rentals expected are not numerous, and they wouldn't live there anyway. Rentals would drop, the darker portions would remain vacant and — picture the results.

In this connection C. A. Dykstra, City Manager of Cincinnati, says: — "We have been living under the assumption of continuous growth and it now proves to be a slender reed upon which to lean. Disintegration has begun and slum areas have developed and become a charge on the taxpayers outside the slum area. We have come to the time when old values are being destroyed faster than new ones are being created."

Unbalanced Use Zoning

Almost all of our zoning for the use of buildings, structures and land is as unbalanced as our zoning for height and coverage. We know that for each one thousand

people there is needed only about 400 feet of business frontage, and that it is difficult to fully justify even this amount. But we still go on the assumption that if we zone more land for business, we can gain the difference in value as between residential and business uses. A real estate man in Los Angeles, Mr. George H. Coffin, Jr., has stated the situation in a clear way, under the heading "Zoned into Oblivion." "It was a wise man who said, 'You cannot make a silk purse out of a sow's ear.' Neither can you make business property out of subdividers' illusions, deed restrictions, or zoning classifications. Sound economic forces create the relatively limited frontage of any city which can profitably be devoted to business use. Unfortunately, most of the so-called business frontage was born of the wedlock between ignorance and speculation, and the naked miles of vacant lots along our arteries of travel are mute testimony to an economic waste of such proportions that the imagination is startled at the farce of perpetuating this needless waste into the eternity of tomorrow.

"I regret to state that much criticism must be directly charged to the greed of the property owners themselves, whether subdividers of large areas or individual lot owners, whose demands have been of such magnitude as to force the dedicating of otherwise usable frontages to eternal wastage by improper zone classification, thus making it possible during an active real-estate market to exploit such land, pocket the false value created by the establishment of a business zone, and depart leaving a trail of depleted residential value in their wake."

Mr. Coffin further points out that but 60 per cent of the area of Los Angeles is zoned, and that within this area there are 600 miles of streets zoned for business. This means 1,200 miles of business frontage, fully enough for 15,000,000 people. Not over 15 per cent of this frontage is now developed for business. We all know that everywhere there are more business buildings than can prosper. Los Angeles today can use effectively not over 10 per cent of the area it has zoned for business, and this is true of practically every large city in the country, and of many smaller ones. The same applies to even small towns and villages.

On top of this, further business areas constantly are being added through spot zoning, through maladministration by boards of appeal and through numerous violations ignored by building inspectors. Upwards of 300 violations of one particular type were ignored in the city of Salem, Massachusetts, before citizens took the matter to court, and the citizens won their first case.

It thus happens that, with all the fatal over-zoning for business, new intrusions are constantly permitted, more homes are injured, more people are driven out, more streets, water and sewer mains, and all municipal expenses are increased, the tax rate is increased, the people complain, and yet do nothing, and the maladministration goes on.

This, and many related things, prompt Mr. Virgil Jordan (doubtless not a wild theorist or he would not be president of the National Industrial Conference Board!) to say:—

"Anyone who has seen anything of the United States . . . and has looked with a candid eye at the conditions under which its people live and work today, must ask himself when, if ever, this country was built at all. In truth, almost everything we have . . . in the way of construction services, — homes, office buildings, factories, whole towns, compared with what we are quite capable of creating, is a mass of rotting rubbish. The American people are still living in the covered-wagon stage of construction, a pioneer people squatting in a series of frontier mining camps as though they were going to move on tomorrow. A few thousand miles of surfaced roads built in the past few years, fringed with filling stations and hot-dog stands, stretch between these squalid camps through endless miles of wilderness and desolation. . . . We have still to build an America worthy of the enterprise and aspirations of our people. . . . Certainly almost everything that has been done so far, impressive or extravagant as it may seem to us in the pinchbeck spirit that prevails today, is obsolete and inadequate for the needs and aspirations of tomorrow."

We have to repeat that in all respects most of our cities which have acted on zoning are "Zoned, but Zoneless."

A Zoning Law Feature

An important feature of the new zoning law, chapter 269, Acts of 1933, provides that "state and municipal officers shall refuse any permit or license for a new use of a building, structure or land which use would be in violation of any such ordinance or by-law or amendment thereof." Zoning laws require permits for the erection of buildings and structures and the use of buildings, structures and land, to be issued by the building inspector. Many special uses require licenses, such as victualers, the sale of alcoholic beverages, the storage and sale of gasoline, and the erection of billboards. In the past the licensing authorities have at times issued licenses where the building inspector could issue no permit, and applicants have tried to club the inspector into favorable action. The new law means that when the inspector can issue no permit, the licensing authority *shall* issue no license, the law being mandatory. An applicant has to have, in such cases, both a permit and a license. If either is refused he cannot operate. The law requires that both be refused when they would be in violation of law, and the courts are upholding officers who make such refusals.

An unfortunate situation arises in towns where the board of appeals has to authorize the building inspector to issue certain permits and the selectmen still act as a board of appeals. The selectmen are usually the licensing authority. If as a board of appeals they act in error in directing the building inspector to issue a permit, they are apt as selectmen to issue a license, when the law says they "shall" not.

All zoning by-laws should provide for a board of appeals, as required by the statute. The duties of selectmen are incompatible with the duties of a board of appeals, and this particularly applies when the selectmen are the licensing body.

Moreover, some by-laws give far too much latitude to administrative boards. A recent law allows the board of appeals to permit garages, filling stations, both recognized as having high nuisance qualities, tea rooms, multiple dwellings and other things in residence districts. Such a place has no effective zoning.

Zoning Administration

The complicated nature of modern society has necessitated a wide range of administrative law and regulations. The earlier method of law, enforced by special officers and, in case of disagreement, adjudicated by the courts, involved so much court work that it has been found necessary to differentiate and specialize. Numerous minor tribunals have been established, but they are minor only in that they have a limited field. They are, in fact, when properly developed, superior to the older method in that they constantly tend to specialization, which was not formerly possible. Some of these administrative bodies have the power of issuing regulations, which have the full potency of law; and they are thus legislative. They have the power of holding hearings and rendering decisions; they are thus judicial. They have the power of enforcing their decisions; they thus become administrative.

The fields of such law are numerous. Modern zoning laws illustrate the principle. The state enabling law sets up the general principle and the main methods of procedure.

The proper limits of such powers are important. When too wide powers are bestowed, zoning becomes, not a matter of law, but a matter of discretion-of men. In one town, for example, there is no differentiation in residential zones, one-family homes being allowed everywhere in the single residential zone, while multiple dwellings and many kinds of businesses may be permitted by the board of appeals. This becomes zoning by men, not by law, and will produce interminable difficulty and mediocre results.

Even where such wide powers are not granted, it is common practice for such bodies to assume the powers and break down the laws. This comes from ignorance, indifference or venality. Such a board properly constituted has great powers, not to do as it pleases, but to enforce a sound law, to protect its community to the fullest possible extent. Great power to protect is an honorable function, great power to destroy is destructive.

It is important, therefore, to bestow only essential and proper powers, and to see to it that all enforcing officers are intelligent, capable and honest. Some places refuse to adopt zoning because they fear they may experience the faulty admin-

istration so frequently seen. One place goes so far as to say that it doesn't trust its officers, that they seem to be fixed in their places, so it refuses to adopt zoning. It is natural to ask, why do the people elect such officers? Some value may be secured from zoning, even where administration is deficient, because many people will observe its provisions. A secondary good will come from its value in showing up the methods of officials. We can make no progress by refusing to give our officers essential things to do, simply because they are not doing well what we already have given them. The only effective course we can follow is to have a proper and full provision of essential things and then to elect officers who will do these things.

Very few administrative bodies have final jurisdiction. This is true of a zoning board of appeals, from whose decision there may be an appeal to the courts. Here another difficulty may arise. Assuming a sound law, and a board of appeals decision in full conformity with law, a court may, frequently does, reverse the decision. The weakness all along the line lies in misunderstanding of the purpose of the law, disbelief in the value of the law, or willingness to sell a decision. Disbelief in the value of a law is more applicable in court cases. In one case a presiding justice opened by expressing a belief against all zoning laws, but held that he would have to proceed with the case because there was a law. Later this same justice was one among several plaintiffs against a violation which injured his home.

The unfairness of maladministration is obvious. A considerable area may be developed for homes, by people who fully observed the law, and who expected the protection of the law. Let us assume an extreme case (unfortunately too common) where a board of appeals, for a sum of money, permits an intrusion into this home district. If the people insist upon the protection of the law which they have obeyed, they have to incur the expense of a court case, while at the same time they are taxed to pay the expenses of the town counsel who defends the board of appeals in its nefarious practices. Even if the town counsel is honest and efficient, and disapproves of the action of the board of appeals, he has to defend the action of the board. It is high time to establish the principle that when the town counsel knows that the board of appeals, the building inspector, or any other officer has violated a law, he shall so state to the court and insist upon justice. It is rare that such a method would result in injustice to the offender, as the decision would be to reverse his action. When we come to make law violation by an official a penal offense, as it should be within limits, the legal officer should see that the offender gets justice, but not too much justice. Under the existing method, when a board of appeals violates a law, the people appeal and the court so decides, the board members should be taxed personally for the costs which would otherwise fall upon citizens who have but sought to secure the due and proper enforcement of law.

A New Law Affecting Zoning

A new section, 14A, chapter 240 of the General Laws, has been enacted. This provides briefly that an owner of land may bring petition in the land court against a city or town for an order or decree to determine the validity of a municipal zoning law. Such a petition shall not be open to objection on the ground that an order is sought without an application for any permit or license under the zoning law. It permits the court to determine the extent to which the law affects the use of property.

The emergency preamble was enacted and the law is in effect. It seems an unwise provision in that it opens the way for interminable assaults upon zoning laws under conditions which are not justifiable.

There is plenty of ground for attack on local laws, but not on the ground implied in this enactment. Many local laws do not go far enough to effectively protect property and welfare as they should. The purpose of this enactment is to lessen the protection rather than to extend it.

An order or decree issued under this provision would amount to a declaratory judgment, that is a declaration of the validity, or possibly in some instances of the purport, of the law. There is little occasion for such procedure in Massachusetts, in the light of the decisions of our own and many other state supreme courts, and of the United States Supreme Court. In Massachusetts we have what amounts to a declaratory judgment in the advisory opinion of our supreme court, 234 Mass.

597, which was rendered while the original enabling law was pending before the Legislature. On top of this we have the decision of the United States Supreme Court in the Euclid Village case, 272 U. S. 365. It was also in effect a declaratory judgment because the suit was brought in the absence of any application of any kind for a permit. It was a general assault on the law. Any zoning law is open to question in case of careless work in its preparation, but in most cases carelessness has resulted in not going far enough rather than in going too far. It seems rather inconsistent to place in the hands of the land court the power, in effect, of overturning the numerous decisions of our highest courts, which uphold every feature of sound and comprehensive modern zoning. The enactment would seem to open the way for much petty annoyance unless perchance decisions under it fall in line with the numerous decisions already recorded. It is a matter which should be watched carefully by local zoning authorities and by the people.

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

Division of Town Planning

Annual Report for the Year Ending
November 30, 1936



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DEPARTMENT OF PUBLIC WELFARE DIVISION OF TOWN PLANNING

ANNUAL REPORT FOR THE YEAR ENDING

November 30, 1936

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Five (5) new planning boards have been established during the year, in Chatham, Deerfield, Dracut, Lenox and Whitman. This increases the total to 127. Thirty-six (36) cities have boards, 33 towns with over 10,000 inhabitants and 58 towns with under 10,000. Carlisle may be credited with being the smallest place with both a planning board and zoning.

Three (3) places have changed their zoning status during the year, not counting a number of places making ordinary amendments. These are Andover, which substituted a comprehensive by-law for an interim law; Sudbury, which substituted more definite use zoning for an interim law; and Scituate, which adopted partial zoning. This total of 83 zoned places includes 52 cities and towns with over 10,000 inhabitants and 31 towns with under 10,000.

The new board in Chatham is actively at work on a zoning scheme, and the Dracut board has organized a number of committees for studying special problems. There is no evidence of activity in the other new boards, and this unfortunately applies to a number of boards previously established. Things are happening which cost considerable sums of money, and much of this money could be far more effectively spent if every town and city carefully considered the best way of doing every item of work. An industry capitalized at the assessed value of any town, even the smallest town, would not think of proceeding with alterations or with expansion of any kind without careful planning as to methods of production and of expansion. When planning boards will take their work in the same spirit in which a board of directors takes its work, our towns can become far more effective in the functioning of all their activities, far less expensive and far more comfortable as places in which to live.

Many of our most beautiful towns are being ruined by shack developments, both for permanent and summer use, and by an indiscriminate scattering of filling stations, roadside stands, road houses, dance halls and billboards over large areas. The people become alarmed, but generally only after much damage has been done. Queries as to what to do about it come in every week of the year. One may find a doctor who can help him a little when he is ill, but it requires the best of civic doctors operating for many years to cure a sick town. Many towns are just beginning to realize that they are not well.

A planning board, made up of people with imagination, initiative and power of leadership, has an opportunity to do many things which will benefit their towns through all future time. Towns should be steered. Mere drifting causes a town to arrive nowhere in particular. Mazzini said, in effect, that people do not progress by boasting of what they have been or are, but by carefully removing every discoverable defect. This applies to the physical town. And the people make the town. A town fine in all ways is a sure badge of a live and sound-minded people.

ZONING WITH RESPECT TO ALCOHOLIC BEVERAGES

When most of our zoning ordinances and by-laws were written it was not anticipated that the saloon would be a problem. Since repeal, the promises of the proponents of repeal have been notably ignored. It was said that the saloon would never come back. There are now more saloons than there were before prohibition. They may not be of exactly the same kind but they amount to the same thing.

There is a tendency on the part of licensing boards to allow the sale of alcoholic beverages in connection with restaurants and elsewhere, regardless of location. Many are in residence districts and in road houses in open country. Many are in violation of zoning laws.

It was some time ago found necessary to specially restrict the location of garages and filling stations, due to their hazards and interference with home life. In some cases they have been prohibited in business districts, although under a classification differing from that prevailing in Massachusetts. A number of Massachusetts ordinances and by-laws prohibit them anywhere within 200 to 400 feet of the property line of any public or private school, public library, etc. They also prohibit them within certain distances of residence district boundary lines. It would seem as though a similar treatment should be imposed upon saloons. Such a provision might read:

LOCATION OF PLACES FOR THE SALE OF ALCOHOLIC BEVERAGES

"No place for the sale of alcoholic beverages to be consumed on the premises shall be permitted anywhere within two hundred (200) feet of a residence district, measured along the same street frontage, or within four hundred (400) feet, similarly measured, of the property line of a public or private school, church, library, park or playground."

It is obvious that such places should be kept away from schools and similar places, as was the custom before prohibition. The courts have upheld these laws as applied to garages and filling stations; and such laws were upheld, before prohibition, in regard to saloons and schools. Modern zoning should extend the protection to the other mentioned institutions.

This seems to be within the scope of the zoning statute, which provides that "state and municipal officers shall refuse any permit or license for a new use of a building, structure or land which use would be in violation of any such ordinance or by-law or amendment thereof."

Local laws should be amended to cover all these features.

ZONING VIOLATIONS

Zoning violations are numerous. This is coming to be recognized and people are demanding a remedy. There are legalized, so-called, violations, where boards of appeal permit unlawful intrusions. To solve these problems, citizens have to go to court and overturn the work of the boards, as has been done repeatedly in Massachusetts and elsewhere. Other violations arise from improper action by building inspectors. Still others come from action by builders, who proceed without permits.

The expense of correcting these errors should not have to fall on private citizens. If boards of appeal were consistent in their actions, in short, if they

followed the court decisions, and if building inspectors were persistent in performing their duties, it would almost never be necessary for a private citizen to go to court to correct an error. Citizens have to proceed against the boards of appeal which go too far, and they have to proceed against the building inspector when he goes too far or carelessly allows a violator to proceed. In the last two instances the action is against the building inspector.

When a citizen proceeds against the building inspector, the town has to pay the cost of defending the inspector, and the citizen has to pay the cost of defending the town and securing due enforcement of a law. Building inspectors should always say "no" when a man applies for anything illegal or even when the building inspector is in doubt. When a violator proceeds without a permit the building inspector should order him to stop and should then take it to the Town Counsel. This procedure does not cost the town one cent more than the other method, and the town and its agents are spending the people's money in the interests of the people, instead of against the interests of the people. They are, at the same time, not requiring private individuals to bear the costs of court procedure while, at the same time, these individuals are taxed to hire people to fight against them.

Mr. E. M. Bassett illustrates this point by a case where four stores were built in a residence district without a permit. A citizen protested to the authorities, and they refused to act. The citizen took the case to court, and the court denounced the authorities for the failure to act, as a neglect of a clear public duty, and the court restrained the use of the stores.

A building inspector recently asked what he should do with a number of applications for overnight camps in both residence and business districts. This was in a city with an ordinance adopted in 1929. At that time such camps were not prominent and were ignored. Changed conditions now cause people to think they may be profitable. The ordinance names many uses which the inspector may permit in business districts, and others which may be permitted only by the board of appeals, after a hearing and a finding. It further provides that the board of appeals, under the guiding rules, may admit other uses which it may "find to be substantially similar to the uses permitted in this section and not injurious to property or to the uses herein specified." When it was explained to the building inspector that he could not issue a permit for an overnight camp in a residence district, that he had no mandate to issue a permit in a business district, and that if he refused the decision would fall upon the board of appeals or upon the council, and if the matter should go to the courts the expense would fall upon the applicant and not upon an injured citizen, he agreed at once that that was the proper course for him to pursue. It is the only course for a building inspector to pursue if he wants to consider the interests of the people who are employing him to do a specific task.

When such a matter goes to the board of appeals the board can, of course, do the wrong thing; and if it goes to the City Council it can do the wrong thing; and if it goes to the courts, the courts may do the wrong thing. The procedure advised is not suggested as something that is water-tight. It is suggested as a method which is just to all concerned, far more so than prevailing methods. If people want results along the lines suggested, it is wise for them to consider their building inspector, the board of appeals, the legislative body and the whole judicial set up of the Commonwealth. It so happens, however, that not only in this state but in practically every state and in the U. S. Supreme Court the decisions have far more tended to uphold zoning laws than have any administrative agencies.

ARE WE REALLY PLANNING?

For some time there has been dissatisfaction with the results of our efforts at planning. The type of organizations and minds now expressing this discontent is such that it no longer can be ignored.

The National Association of Real Estate Boards, through its secretary, says

that zoning and city planning on a large scale so far have failed. He says:—"Our cities are certainly no better than they were 20 years ago. Of course the apologists for city planning and zoning can well say that it might be worse. I am inclined to doubt it." Towards a solution the Association proposes a new type of government unit, the neighborhood. "Our neighborhood proposal is an attempt to start planning with a unit small enough to handle." The effort seems to be due to the fact that present governmental units do not function towards the protection of the areas most needing protection. The authorities do not enough consider local needs and the proposal is to give the control into the hands of the locality affected.

In Milwaukee this is illustrated by a WPA investigation, as reported in the "Engineering News-Record" of August 13. They found 3,365 violations of the zoning law. Twenty-four hundred (2400) of these were in residential areas. Says the editorial:—"Just how the 600 groceries and 392 taverns got entrenched among residences is being asked with raised eyebrows."

The Chamber of Commerce of the United States points out that every city is made up of a group of neighborhoods of various sizes, and it also advises the neighborhood units as a means of effective control. It points out that zoning as a means of control, in a realistic sense, has not been tried. "We have merely pretended to zone. Our zoning laws in general are utterly inadequate . . . They are a poor compromise of conflicting interests . . . We cannot hope at all for an improvement of conditions ordinarily through the zoning method." The article then urges giving neighborhoods the power of organization for the purpose of proper protection and stabilization of all neighborhood assets.

But the chief appeal of the Chamber of Commerce is that capital interest itself in neighborhood development as a sound investment enterprise. Each unit must be large enough to accomplish a sound purpose and remain under full and permanent control by the owning corporation, so that it may have permanent intrinsic value as a going concern.

Frederick L. Ackerman, quoted with approval by the Federal Housing Administration, asserts that zoning has not restricted, except in matters of little importance, and that it has not stabilized property values. The difficulty, in his opinion, is that we have attempted to give the sanction of law to fantastic expectations in regard to real estate values, which expectations are not justified by the possibility of net earnings in urban communities. This is done by excessive zoning for the purposes supposed to produce the higher values. He then asserts that it is highly probable that the area now actually used for business and industry approximates the maximum requirements for all time. He urges that we bring zoning within the domain of the probable and that we establish districts which have a rational, functional relationship to each other.

We have plenty of evidence in our own state as to the situation. Indications are that the people of Springfield have succumbed to the allurements of the beauticians and have admitted them to the most restricted districts. In a like manner, the city of Lowell has succumbed to the undertakers, who now may be admitted by the Board of Appeals to the most restricted districts. Falmouth is considering adding artificial ice factories to her most preferred list. Beauticians and undertakers are elsewhere considered as business people, and an ice factory as a nuisance industry. One state supreme court has barred an ice factory from a business district.

Violations, not only by the score but by the hundred, are to be found in many places. Single-family houses are being converted into two-family houses. Barns and other buildings are being converted into dance halls and saloons. In one instance where the latter happened, no permit was applied for, and the building inspector said he could take no action because no application had been made.

City councils and town meetings are lax in regard to spot zoning, which is one of the reasons for the statements by the national groups above quoted. The work is poorly done in the first instance, and then it is further broken down

by spot zoning. One town recently held a special town meeting to consider 9 applications for spot zoning. It passed 8 of them. And yet it claims to be a zoned town.

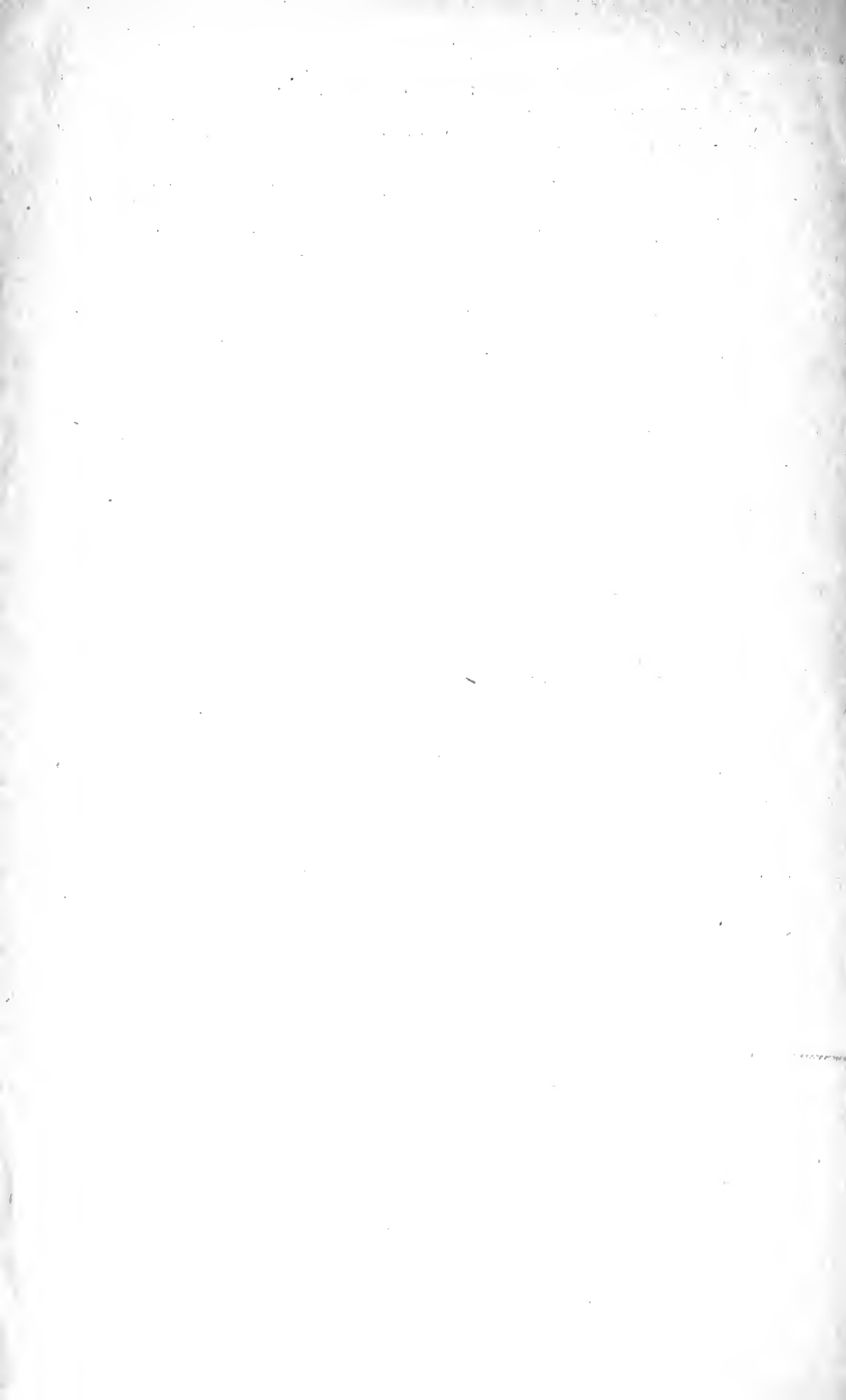
Our zoning systems are weak; and the administration is, in too many instances, weak. The strongest element in the whole movement is the courts, which have quite effectively pointed the way in their decisions. Six (6) Massachusetts decisions set definite limits to the power of boards of appeal towards breaking down zoning laws, but these decisions greatly increase the power of such boards towards sound zoning administration. One of these cases involved a permit for an undertaking establishment in a residence district. The court overturned it about two years ago. Just recently the same board of appeals has granted another such permit.

In all machines we aim at functional efficiency. Why not do the same in planning? Planning is the means towards a town that is what a town ought to be. Planning is not an end, but a means to an end. Until we recognize and clearly conceive the end we cannot effectively work out the means. Do our present towns constitute the end to which our best aspirations should point? May we hope they will become better when we lay down a street system, or accept an existing system—which we are mostly forced to do—and then zone for ten times the bulk that the streets and other utilities can serve?

One end of planning today is a street system that will take care of the automobile. Are we adapting the zoning side of planning to this end? We are not. As to another end we should have in mind, beauty, most parts of our cities and towns look like what is left when a building is just finished and no debris has been removed. Light, ventilation, fire protection and privacy are equally ignored. We have achieved ugliness, brutally hazardous conditions, inefficiency; not beauty, safety and efficiency.

The reasons for our achievements, or failures to achieve, are our problem. What are the reasons for our failures? Our problems are bigger than planning. They include the mechanism of planning; planning boards and all legislative and administrative branches of government. As now constituted, are these ready for the job? If not, whose fault is it?

The newspapers are filled with accounts of careless work by building inspectors, faulty work by boards of appeal, reckless extension of business areas and spot zoning by city councils and town meetings. We have yet to learn how to plan. More serious, we have to learn how to adopt and carry out the plan.



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

DIVISION OF TOWN PLANNING

ANNUAL REPORT FOR THE YEAR ENDING
Nov. 30, 1934



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DEPARTMENT OF PUBLIC WELFARE DIVISION OF TOWN PLANNING

ANNUAL REPORT FOR THE YEAR ENDING
November 30, 1934

RICHARD K. CONANT, *Commissioner*
EDWARD T. HARTMAN, *Consultant on Planning*

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The numerical count for the year shows but little change in the situation as to planning boards and zoned places. Efforts to revive the boards in Andover and Milford were quite successful in the former, not so much so in the latter. Stockbridge established the only new board.

Three new zoning by-laws have been adopted. Wilmington and Wayland enacted quite good laws, comprehensive in nature. Stockbridge enacted an elementary form of use zoning. Winchester changed lot sizes in her single-family areas from 6,500 square feet to 10,000 and 15,000, both applicable to considerable areas; and Weston changed a large area from 10,000, which formerly applied to the whole town, to 15,000. These are in keeping with the trend of development in these towns and will have great protective value, reacting helpfully on the tax rate.

Now that population in the state as a whole is becoming static in numbers, some places will grow and others will decrease, the factor of competition being the general conditions in towns as to functional efficiency, tax rates, and the protection given to those who buy or build there. A place unzoned, or well zoned but where the board of appeals constantly breaks down the law, will decrease or grow but little, and its expenses will increase, while in protected places the opposite will prevail.

There is much activity in zoned places, and some evidence of renewed activity among planning boards. Zoned places are placid in the face of violations, or are putting effort into protecting their laws, and their towns, not always with perfect success. Fifteen to 25 per cent of the stores in a town may be vacant, and many others barely hanging on, but almost every day there is somewhere a notice of hearing to add new business through spot zoning, or of appeal to persuade a board of appeals to exceed its powers and violate the law. The 1933 amendment of the zoning statute greatly increased the powers of boards of appeal to protect their towns, by making it illegal for them to exceed their powers. The former law was more vague.

The number of calls for help in interpreting laws, in preparing constructive amendments, and in outlining procedure and arguments for removing violations is increasing. These calls are probably four to one for help in getting new work started. The state is much more active than the increase of boards and zoned places would indicate. The main activities are in zoned places, actual planning and the adoption of new zoning laws being less significant. If all places were zoned, all activity in the zoning field would be towards improving and enforcing zoning laws. It is towards this that we must travel. Zoning continues to arouse more civic interest than any other local activity, and it promises to hasten the day when towns will elect and support capable officials, instead of contenting themselves with officials who require such constant watching as now is required in many places.

NEEDED LEGISLATION

Massachusetts needs a planning enabling law and a state planning board. These proposals have been twice before the legislature, but too few people are planning-minded and this, coupled with inertia partly due to economic conditions, have resulted in nothing.

Planning Enabling Law

The Massachusetts planning law consists of three short sections passed twenty-one years ago, plus a board of survey law which is elementary, vague, and not effective. Planning boards must be more active, their duties must be more clearly outlined, and the people must support them. Weakness in these respects results in inconvenience, loss of time, accidents and terrific financial loss. A planning board properly administered costs a little money, but it will save much money. There is no better investment than a small amount spent for sound plans and for a suitable and effective zoning system.

We complain over taxes and refuse to do the only sensible things which will constructively reduce taxes. We are so accustomed to waste, inefficiency, and negligence that we refuse to apply a remedy. Complaining cures nothing in sickness. It does no more in public affairs. It is time to act. Where complaining results in no constructive action it is merely silly. Where it finally leads to destructive action it is vicious. Because of lack of vision most of the resultant action at the present time is vicious.

No present law, or hitherto proposed law, permits proper regulation of new subdivisions. A subdivider may do pretty much as he pleases, which generally means that he lays out land where there is no need and then does little more than to plow a furrow on each side to indicate streets laid out with no coordination with existing streets. Places with active boards of survey and zoning laws regulating lot sizes may partially regulate, but they have no control as to the amount of such development.

There are in the country now probably enough laid-out but undeveloped lots to care for 100,000,000 people. This means that there are now more subdivisions than will ever be needed. The bulk of these lots will never be used because of faulty lay-out and location. On the other hand, there is much land properly located for development which has not been laid out. This points to the imperative need of strict subdivision control. Every new subdivision should be accompanied by a certificate of public necessity and convenience, and certain amounts of street and utility development should be required, under bond.

In the absence of these features all we will accomplish will be more expense, inefficiency, a rising tax rate and a decreasing tax base. If bad planning and encroachments are allowed to continue the only result must be unstable values, heavy expenses, and prolonged financial distress. The results of the work of the land butcher are to be seen everywhere. It is suicidal to continue along present unregulated lines.

These improperly located and badly planned subdivisions necessitate many miles of unnecessary streets and services. Our industries and businesses do not plan their buildings for the utmost inefficiency and expense, and it is time for our taxpayers associations, made up mainly of industrial and business men, to support sound planning simply because of its reaction on local expenses. Sound planning has wide social utility, reacting helpfully on all aspects of community life.

State Planning Board

State planning is even more essential than town planning. All elements of the physical development of the state must be coordinated, each element within itself, and in relation to all other elements. This applies to highways, to public open spaces, of which we have too few, to state forests, to areas for protecting public water supplies, to public institutions, and to all other elements of the physical development of the area. And just as important is a policy for the protection of main highways after they are developed. We are wasting as much money through failure to protect what we do as in any other way. We may illustrate both of these points by recent examples.

The East Boston vehicular tunnel connects the most congested portion of Boston with an island. The interchange of traffic between these two points is limited primarily by what originates on the island, moves towards Boston in the morning and returns in the evening. It seems never to have been considered as to whether this amount of traffic would justify the millions which the tunnel cost. Tolls are charged and the enterprise does not justify itself. It is therefore proposed to spend more millions to develop a way across the island, then on to the mainland, and

make it a through route to the north. A little of this through traffic may be expected to originate in the old city, but the bulk of it, if it is ever to amount to anything, must come from other parts of the city and from points north and south. But the old city is so overdeveloped with buildings in relation to its street system that traffic can't pass through it, and more millions are to be spent to finish the already partially developed circumferential by-pass so that traffic may be cleared as rapidly as possible around the city. Through traffic is to be cared for in this way. The question arises as to just why the East Boston vehicular tunnel was built, and as to the soundness of such planning, such coordination — or does it merely mean the absence of planning and coordination?

The Boston-Worcester road cost \$175,000 per mile. It was, presumably, developed to expedite traffic. Its borders are unprotected, dance halls, filling stations, stores, all kinds of uses are developing on its bordering lands. Parked cars, many and increasing intersecting streets, private driveways, occupy the lanes of travel and interfere with the movement of traffic. One car parked in every 500 feet will effectively keep traffic out of one lane of travel, slow down the inner lane to the speed of the slower vehicle, or oblige passing to the right when a chance comes between parked cars. Cars entering from private ways will frequently block such passing. A four-lane way, two rapid, two slow, will thus be reduced to two slow. At least three additional ways of the same kind will have to be built to clear the traffic this road, protected, could clear.

It is assumed that planning costs money. Planning, budgeting, scheduling developments according to need, save money and will do more to promote economy and efficiency than anything else. Right planning and protection in the two cases used as illustrations would have saved a capital fund which would have paid the cost of state and local planning for all time, and this would guarantee the saving of many billions.

A point impressing many people is that their main chance of enjoying the natural beauty, of which we have so much, is from these main thoroughfares. They desire that these ways be protected for this reason. To expedite traffic, to reduce traffic hazards, to protect natural beauty, it therefore becomes necessary that these ways become freeways, as they have been called. The matter of expense will finally force the freeing of these ways from all interference, and the expense of making them free will be increased a hundred fold if it is not done now.

The thoughtless argue that such ways develop great opportunities for business and that taxable values may be increased by using abutting lands for business purposes. This is stressed by the owners of the land and by town officers. The facts are that main highway frontages are to a very limited degree good business frontages. If the lands bordering our state highways alone were solidly and substantially developed for business they would meet the trading needs of 50,000,000 people. We have not, and will not have, that many people. Moreover, we already have more or less well developed business frontages extensive enough to meet the needs of more people than we will ever have, and we have zoned for business, omitting all state highway frontages, five times as much land for business as can ever be used in a sound economical way.

Our main highways must be used for expediting traffic. If we want to enjoy our highways and support our summer industry we must protect the natural beauty along their borders.

TOWN PLANNING

The primary motive of town planning has come to mean mainly efforts at solving traffic problems. The basic American system was naturally and sensibly confined to as few streets and roads as possible, and of a width to permit two vehicles to pass with reasonable convenience. But finally cities developed. Even when buildings were low and somewhat far apart, it became customary, because necessary, to widen central streets in order to clear traffic. The greater the city the greater the traffic needs in the main centers; and the problem increased in seriousness. Much thought was given to it, but the shoe didn't pinch sidewise and endwise enough to produce corns and the loss of toenails.

Then, almost at the same time, came the steel frame building and the automobile. Overnight the problem grew in magnitude, but the human intellect doesn't expand

in a hurry. The mind of man was not capable of solving this problem and meeting the needs of this growth while growth was active. It came, however, to be accepted that better and wider streets were necessary, and that good roads should connect the cities one with another.

Good streets and roads came first, rapidly, unsoundly in large part because of no planning or coordination, all because automobile drivers became vociferous. It resulted in a street improvement and road building era such as the world had never seen.

In the meantime buildings became higher and automobiles blossomed like a cherry tree in springtime. This called for more roads, better and wider roads. Two basic mistakes have become manifest, but, as with all other problems where conflicting interests are involved, narrow interests, rather than true statesmanship, are still in control.

The two outstanding errors lie in failure to recognize the imperative relationship between bulk of buildings and width of streets and open spaces, within cities, and the need of protecting inter-city roads for the purpose for which they are built.

We try to develop upon the existing street system a bulk of buildings, and the entailing demand for traffic facilities, anywhere from four to ten times what the street system can carry. The problem cannot be solved by widening existing streets. To attempt it is to throw the whole existing system out of gear. If it is proper in all respects to build to 600 feet in height with a 100 per cent lot coverage, streets must be about 600 feet wide. It is possible only on an entirely new layout. And even then it would arrive nowhere.

The present street layout, if adapted to excessively high buildings, would require street widening to such an extent that there would be left valueless lot sizes. Excessively high buildings necessitate excessively wide streets, and there are basically sound reasons against both. High buildings are more expensive, per cubic yard of usable space, than lower buildings. This comes from heavier foundations, thicker walls, wind bracing, and the amount of space required for elevators and services. Excessively wide streets, the only kind that can care for excessively high buildings, are practically and economically unjustifiable. By practically unjustifiable we mean that when you go over a four-lane way the cross traffic problem becomes impractical. A twelve-lane way will care for more traffic than a two-lane way, if all traffic were in two directions. It isn't, and that is all there is to it. Streets have to bear a ratio to the demands placed upon them. If you can't widen them the only thing you can do is to limit the traffic demands placed upon them.

Take any given ten square miles to be newly developed as a city center. The bulk of buildings which may be usable depends upon the street space, whatever the land-owner and politicians may say or desire. If the buildings are so high, the streets must be so wide. If the buildings are 200 feet high the streets must be at least 200 feet wide, for light and ventilation as well as for traffic clearance. Suppose, on the other hand, buildings are 50 feet high and streets are 50 feet wide, what is the difference? Figure it out. Inch for inch and ounce for ounce some fishermen say the bass is the greatest fish for sport. The difference is that in the case of the bass, if the fisherman goes with too light tackle or too little skill, he loses his fish, while in the case of a city, where the length and width of streets exceed the tackle and skill (the plan and design of streets), the people lose, not only the fish, but all they have spent for the tackle. It doesn't pay, it doesn't work, it is fatal to tax association ideas, to city development and perpetuity.

As to main highways, inter-city ways, they are built at great public expense, mostly at the expense of automobilists through the gas tax, to facilitate traffic. Each new road is built on land for which the owner is paid many times its assessed value, and which assessment he always says is too high. After the road is built the abutting land owner expects to appropriate the road entirely to his own uses. Through a right use of the road a landowner has enormous advantages. From it at some proper point he has access to his land and may convert the whole to any use for which there is any need. Where there is need each development, with its proper system of streets, can function and cause no injury to the main way. But the main way must be restricted to traffic uses. It is killed if it is unrestricted.

ZONING

Under the head of "Zoned, but Zoneless" we last year pointed out the futility of zoning with improper norms of control. The general question has been discussed in many places and from many points of view in recent months. There is common agreement among the more serious students that what we have is meaningless, in most cases even pernicious, and that it is time for us to rewrite our zoning laws so that they may accomplish the major social purpose for which they were originally designed.

Two things are essential if we are to make zoning effective. First, a zoning law must be so written that it will produce results. It must establish norms as definite in their relationships as that between the power of an engine and the weight of the load. Second, the law must be enforced. Our zoning laws are in general deficient in both these respects.

When relationships are to be established between two physical and mutually interdependent things, the ideal way is to agree upon function, purpose, the totality of both, and then work out the relationships. When either of two essential elements is already fixed, we develop the other element in relationship. When we have an uncovered building 25 by 30 feet in size we do not cover it with a roof 500 by 600 feet in size. Our street systems were developed to meet needs totally different from those of the present time. Their planning did not anticipate the demands we now place upon them.

The primary purposes of zoning are to adapt certain things yet to be done to certain related things already done, so that the two may complement each other and function together. Neither function should be allowed to destroy the other function.

Assume any street system as already existing, and in the main all the street systems we will ever need do already exist, the problem is to adjust all that we do to the street system. The basic needs are traffic clearance, the lighting of buildings, ventilation, fire protection, privacy. These things are inter-related, as well as being related to the street system. Whether a street system can clear the traffic of a given development depends upon the height and coverage — that is, bulk — of buildings (further affected by the size of the area involved). The height and coverage of buildings also control light, ventilation, fire protection, privacy; they affect health, police administration and make or break a city.

The facts are that cities have not been zoned for function, but to protect land values. And the best way to kill land values in a given area is to make it impossible for that area to function. New York City, with all its streets, subways, elevated ways, costing billions, functions miserably as it is. It is zoned to accommodate (?) 77,000,000 residents and 344,000,000 workers! The Back Bay in Boston, the 130 acres zoned for residence purposes, has 8,970 people in it now, while it is zoned for approximately 48,500 people. Its only possible future is residential and this future is vitiated by a zoning system which will produce an impossible traffic situation and results as to light, ventilation, fire hazard and privacy which will mean a glorified slum, half vacant, costing enormously for administration, producing a gradually decreasing tax return and a great loss of values. Buildings 80 feet high and covering 80 per cent of their lots would be quite valuable if they could function. But they can't function on the existing street system. People who can afford the rentals expected are not numerous, and they wouldn't live there anyway. Rentals would drop, the darker portions would remain vacant and — picture the results.

In this connection C. A. Dykstra, City Manager of Cincinnati, says: — "We have been living under the assumption of continuous growth and it now proves to be a slender reed upon which to lean. Disintegration has begun and slum areas have developed and become a charge on the taxpayers outside the slum area. We have come to the time when old values are being destroyed faster than new ones are being created."

Unbalanced Use Zoning

Almost all of our zoning for the use of buildings, structures and land is as unbalanced as our zoning for height and coverage. We know that for each one thousand

people there is needed only about 400 feet of business frontage, and that it is difficult to fully justify even this amount. But we still go on the assumption that if we zone more land for business, we can gain the difference in value as between residential and business uses. A real estate man in Los Angeles, Mr. George H. Coffin, Jr., has stated the situation in a clear way, under the heading "Zoned into Oblivion." "It was a wise man who said, 'You cannot make a silk purse out of a sow's ear.' Neither can you make business property out of subdividers' illusions, deed restrictions, or zoning classifications. Sound economic forces create the relatively limited frontage of any city which can profitably be devoted to business use. Unfortunately, most of the so-called business frontage was born of the wedlock between ignorance and speculation, and the naked miles of vacant lots along our arteries of travel are mute testimony to an economic waste of such proportions that the imagination is startled at the farce of perpetuating this needless waste into the eternity of tomorrow.

"I regret to state that much criticism must be directly charged to the greed of the property owners themselves, whether subdividers of large areas or individual lot owners, whose demands have been of such magnitude as to force the dedicating of otherwise usable frontages to eternal wastage by improper zone classification, thus making it possible during an active real-estate market to exploit such land, pocket the false value created by the establishment of a business zone, and depart leaving a trail of depleted residential value in their wake."

Mr. Coffin further points out that but 60 per cent of the area of Los Angeles is zoned, and that within this area there are 600 miles of streets zoned for business. This means 1,200 miles of business frontage, fully enough for 15,000,000 people. Not over 15 per cent of this frontage is now developed for business. We all know that everywhere there are more business buildings than can prosper. Los Angeles today can use effectively not over 10 per cent of the area it has zoned for business, and this is true of practically every large city in the country, and of many smaller ones. The same applies to even small towns and villages.

On top of this, further business areas constantly are being added through spot zoning, through maladministration by boards of appeal and through numerous violations ignored by building inspectors. Upwards of 300 violations of one particular type were ignored in the city of Salem, Massachusetts, before citizens took the matter to court, and the citizens won their first case.

It thus happens that, with all the fatal over-zoning for business, new intrusions are constantly permitted, more homes are injured, more people are driven out, more streets, water and sewer mains, and all municipal expenses are increased, the tax rate is increased, the people complain, and yet do nothing, and the maladministration goes on.

This, and many related things, prompt Mr. Virgil Jordan (doubtless not a wild theorist or he would not be president of the National Industrial Conference Board!) to say:—

"Anyone who has seen anything of the United States . . . and has looked with a candid eye at the conditions under which its people live and work today, must ask himself when, if ever, this country was built at all. In truth, almost everything we have . . . in the way of construction services, — homes, office buildings, factories, whole towns, compared with what we are quite capable of creating, is a mass of rotting rubbish. The American people are still living in the covered-wagon stage of construction, a pioneer people squatting in a series of frontier mining camps as though they were going to move on tomorrow. A few thousand miles of surfaced roads built in the past few years, fringed with filling stations and hot-dog stands, stretch between these squalid camps through endless miles of wilderness and desolation. . . . We have still to build an America worthy of the enterprise and aspirations of our people. . . . Certainly almost everything that has been done so far, impressive or extravagant as it may seem to us in the pinchbeck spirit that prevails today, is obsolete and inadequate for the needs and aspirations of tomorrow."

We have to repeat that in all respects most of our cities which have acted on zoning are "Zoned, but Zoneless."

A Zoning Law Feature

An important feature of the new zoning law, chapter 269, Acts of 1933, provides that "state and municipal officers shall refuse any permit or license for a new use of a building, structure or land which use would be in violation of any such ordinance or by-law or amendment thereof." Zoning laws require permits for the erection of buildings and structures and the use of buildings, structures and land, to be issued by the building inspector. Many special uses require licenses, such as victualers, the sale of alcoholic beverages, the storage and sale of gasoline, and the erection of billboards. In the past the licensing authorities have at times issued licenses where the building inspector could issue no permit, and applicants have tried to club the inspector into favorable action. The new law means that when the inspector can issue no permit, the licensing authority *shall* issue no license, the law being mandatory. An applicant has to have, in such cases, both a permit and a license. If either is refused he cannot operate. The law requires that both be refused when they would be in violation of law, and the courts are upholding officers who make such refusals.

An unfortunate situation arises in towns where the board of appeals has to authorize the building inspector to issue certain permits and the selectmen still act as a board of appeals. The selectmen are usually the licensing authority. If as a board of appeals they act in error in directing the building inspector to issue a permit, they are apt as selectmen to issue a license, when the law says they "shall" not.

All zoning by-laws should provide for a board of appeals, as required by the statute. The duties of selectmen are incompatible with the duties of a board of appeals, and this particularly applies when the selectmen are the licensing body.

Moreover, some by-laws give far too much latitude to administrative boards. A recent law allows the board of appeals to permit garages, filling stations, both recognized as having high nuisance qualities, tea rooms, multiple dwellings and other things in residence districts. Such a place has no effective zoning.

Zoning Administration

The complicated nature of modern society has necessitated a wide range of administrative law and regulations. The earlier method of law, enforced by special officers and, in case of disagreement, adjudicated by the courts, involved so much court work that it has been found necessary to differentiate and specialize. Numerous minor tribunals have been established, but they are minor only in that they have a limited field. They are, in fact, when properly developed, superior to the older method in that they constantly tend to specialization, which was not formerly possible. Some of these administrative bodies have the power of issuing regulations, which have the full potency of law; and they are thus legislative. They have the power of holding hearings and rendering decisions; they are thus judicial. They have the power of enforcing their decisions; they thus become administrative.

The fields of such law are numerous. Modern zoning laws illustrate the principle. The state enabling law sets up the general principle and the main methods of procedure.

The proper limits of such powers are important. When too wide powers are bestowed, zoning becomes, not a matter of law, but a matter of discretion of men. In one town, for example, there is no differentiation in residential zones, one-family homes being allowed everywhere in the single residential zone, while multiple dwellings and many kinds of businesses may be permitted by the board of appeals. This becomes zoning by men, not by law, and will produce interminable difficulty and mediocre results.

Even where such wide powers are not granted, it is common practice for such bodies to assume the powers and break down the laws. This comes from ignorance, indifference or venality. Such a board properly constituted has great powers, not to do as it pleases, but to enforce a sound law, to protect its community to the fullest possible extent. Great power to protect is an honorable function, great power to destroy is destructive.

It is important, therefore, to bestow only essential and proper powers, and to see to it that all enforcing officers are intelligent, capable and honest. Some places refuse to adopt zoning because they fear they may experience the faulty admin-

istration so frequently seen. One place goes so far as to say that it doesn't trust its officers, that they seem to be fixed in their places, so it refuses to adopt zoning. It is natural to ask, why do the people elect such officers? Some value may be secured from zoning, even where administration is deficient, because many people will observe its provisions. A secondary good will come from its value in showing up the methods of officials. We can make no progress by refusing to give our officers essential things to do, simply because they are not doing well what we already have given them. The only effective course we can follow is to have a proper and full provision of essential things and then to elect officers who will do these things.

Very few administrative bodies have final jurisdiction. This is true of a zoning board of appeals, from whose decision there may be an appeal to the courts. Here another difficulty may arise. Assuming a sound law, and a board of appeals decision in full conformity with law, a court may, frequently does, reverse the decision. The weakness all along the line lies in misunderstanding of the purpose of the law, disbelief in the value of the law, or willingness to sell a decision. Disbelief in the value of a law is more applicable in court cases. In one case a presiding justice opened by expressing a belief against all zoning laws, but held that he would have to proceed with the case because there was a law. Later this same justice was one among several plaintiffs against a violation which injured his home.

The unfairness of maladministration is obvious. A considerable area may be developed for homes, by people who fully observed the law, and who expected the protection of the law. Let us assume an extreme case (unfortunately too common) where a board of appeals, for a sum of money, permits an intrusion into this home district. If the people insist upon the protection of the law which they have obeyed, they have to incur the expense of a court case, while at the same time they are taxed to pay the expenses of the town counsel who defends the board of appeals in its nefarious practices. Even if the town counsel is honest and efficient, and disapproves of the action of the board of appeals, he has to defend the action of the board. It is high time to establish the principle that when the town counsel knows that the board of appeals, the building inspector, or any other officer has violated a law, he shall so state to the court and insist upon justice. It is rare that such a method would result in injustice to the offender, as the decision would be to reverse his action. When we come to make law violation by an official a penal offense, as it should be within limits, the legal officer should see that the offender gets justice, but not too much justice. Under the existing method, when a board of appeals violates a law, the people appeal and the court so decides, the board members should be taxed personally for the costs which would otherwise fall upon citizens who have but sought to secure the due and proper enforcement of law.

A New Law Affecting Zoning

A new section, 14A, chapter 240 of the General Laws, has been enacted. This provides briefly that an owner of land may bring petition in the land court against a city or town for an order or decree to determine the validity of a municipal zoning law. Such a petition shall not be open to objection on the ground that an order is sought without an application for any permit or license under the zoning law. It permits the court to determine the extent to which the law affects the use of property.

The emergency preamble was enacted and the law is in effect. It seems an unwise provision in that it opens the way for interminable assaults upon zoning laws under conditions which are not justifiable.

There is plenty of ground for attack on local laws, but not on the ground implied in this enactment. Many local laws do not go far enough to effectively protect property and welfare as they should. The purpose of this enactment is to lessen the protection rather than to extend it.

An order or decree issued under this provision would amount to a declaratory judgment, that is a declaration of the validity, or possibly in some instances of the purport, of the law. There is little occasion for such procedure in Massachusetts, in the light of the decisions of our own and many other state supreme courts, and of the United States Supreme Court. In Massachusetts we have what amounts to a declaratory judgment in the advisory opinion of our supreme court, 234 Mass.

597, which was rendered while the original enabling law was pending before the Legislature. On top of this we have the decision of the United States Supreme Court in the Euclid Village case, 272 U. S. 365. It was also in effect a declaratory judgment because the suit was brought in the absence of any application of any kind for a permit. It was a general assault on the law. Any zoning law is open to question in case of careless work in its preparation, but in most cases carelessness has resulted in not going far enough rather than in going too far. It seems rather inconsistent to place in the hands of the land court the power, in effect, of overturning the numerous decisions of our highest courts, which uphold every feature of sound and comprehensive modern zoning. The enactment would seem to open the way for much petty annoyance unless perchance decisions under it fall in line with the numerous decisions already recorded. It is a matter which should be watched carefully by local zoning authorities and by the people.

PLANNING BOARD ACTIVITIES

BOARDS ESTABLISHED

| | | | | |
|--------------|-------------------|--------------------|--------------|------------------|
| Amesbury | Danvers | Lexington* | Norwood | Wakefield |
| Amherst* | Dartmouth* | Longmeadow* | Oak Bluffs* | Walpole* |
| Andover* | Dedham | Lowell | Paxton* | Waltham |
| Arlington | Duxbury* | Lynn | Peabody | Watertown |
| Ashland* | Easthampton | Lynnfield* | Pittsfield | Wayland* |
| Attleboro | East Longmeadow* | Malden | Plymouth | Webster |
| Athol | Everett | Manchester* | Quincy | Wellesley |
| Auburn* | Fairhaven | Mansfield* | Randolph* | Westborough* |
| Barnstable* | Fall River | Marblehead* | Reading* | West Boylston* |
| Bedford* | Falmouth* | Medfield* | Revere | Westfield |
| Belmont | Fitchburg | Medford | Salem | Weston* |
| Beverly | Frammingham | Melrose | Saugus | West Springfield |
| Billerica* | Franklin* | Methuen | Scituate* | Westwood* |
| Boston | Gardner | Middleborough* | Sharon* | Weymouth |
| Bourne* | Gloucester | Milford | Shrewsbury* | Wilbraham* |
| Braintree | Great Barrington* | Millis* | Somerville | Wilmington* |
| Bridgewater* | Greenfield | Milton | Southbridge | Winchester |
| Brockton | Hanover* | Natick | Springfield | Winthrop |
| Brookline | Haverhill | Needham | Stockbridge* | Woburn |
| Cambridge | Hingham* | New Bedford | Stoneham | Worcester |
| Canton* | Holyoke | Newton | Stoughton* | Yarmouth* |
| Carlisle* | Hudson* | North Adams | Swampscott | |
| Chicopee | Hull* | Northampton | Sudbury* | |
| Clinton | Lawrence | North Attleborough | Taunton | |
| Concord* | Leominster | Northbridge* | Tisbury* | |

* Under 10,000 population.

No BOARDS: Adams, Chelsea, Marlborough, Newburyport.

CITIES AND TOWNS WHICH HAVE BEEN ZONED

| COMPREHENSIVE | COMPREHENSIVE—Cont. | PARTIAL |
|----------------------------|-----------------------------|------------------------|
| Brockton Nov., 1920 | Lynnfield Nov., 1929 | Marshfield June, 1926 |
| Brookline May, 1922 | Franklin Mar., 1930 | Fall River Sept., 1927 |
| Longmeadow July, 1922 | Wilbraham Feb., 1931 | |
| Springfield Dec., 1922 | Natick Mar., 1931 | |
| Newton Dec., 1922 | Hull Mar., 1931 | |
| West Springfield May, 1923 | Westfield Aug., 1931 | |
| Cambridge Jan., 1924 | Great Barrington Mar., 1932 | |
| Lexington Mar., 1924 | Carlisle Feb., 1933 | |
| Melrose Mar., 1924 | Sharon Mar., 1933 | |
| Worcester Mar., 1924 | Wilmington July, 1934 | |
| Arlington May, 1924 | Wayland Sept., 1934 | |
| Boston June, 1924 | | |
| Woburn Jan., 1925 | | |
| Belmont Jan., 1925 | | |
| Needham Mar., 1925 | | |
| Walpole Mar., 1925 | | |
| Stoneham Mar., 1925 | | |
| Lynn July, 1925 | Milton July, 1922 | Amesbury |
| Waltham Oct., 1925 | Holyoke Sept., 1923 | Amherst |
| Haverhill Oct., 1925 | Swampscott Apr., 1924 | Andover |
| Medford Nov., 1925 | Dedham May, 1924 | Attleboro |
| Wakefield Nov., 1925 | Chelsea June, 1924 | Beverly |
| North Adams Dec., 1925 | Paxton Dec., 1924 | Billerica |
| Somerville Dec., 1925 | Worcester Dec., 1924 | Bourne |
| New Bedford Dec., 1925 | Fitchburg Dec., 1924 | Braintree |
| Watertown Jan., 1926 | Wellesley Mar., 1925 | Canton |
| Fairhaven Feb., 1926 | Salem Nov., 1925 | Chatham |
| Falmouth Apr., 1926 | Hudson Mar., 1927 | Chelsea |
| Reading May, 1926 | Bedford Mar., 1928 | Chicopee |
| Lynn June, 1926 | Middleton Apr., 1933 | Clinton |
| Lowell July, 1926 | Stockbridge Feb., 1934 | Duxbury |
| Malden July, 1926 | | Easthampton |
| Everett July, 1926 | | Fitchburg |
| Norwood May, 1927 | | Frammingham |
| Gloucester Nov., 1927 | | Gardner |
| Pittsfield Dec., 1927 | | Hingham |
| Marblehead Apr., 1928 | | Leominster |
| Weston Apr., 1928 | | Littleton |
| Concord Apr., 1928 | | Manchester |
| Agawam Apr., 1928 | | Marion |
| East Longmeadow Apr., 1928 | | Medfield |
| Saugus June, 1928 | | Middleborough |
| Lincoln Mar., 1929 | | Nahant |
| Westwood Mar., 1929 | | Northampton |
| Revere July, 1929 | | North Attleborough |
| Winthrop Oct., 1929 | | Plymouth |
| | Taunton Sept., 1925 | Quincy |
| | Marlborough Jan., 1927 | Scituate |
| | Andover Mar., 1927 | Shrewsbury |
| | Petersham Mar., 1927 | Southbridge |
| | Oak Bluffs Apr., 1927 | Sudbury |
| | Northampton Sept., 1927 | Wenham |
| | Barnstable June, 1929 | Westborough |
| | Attleboro May, 1930 | Yarmouth |
| | Peabody June, 1930 | |
| | Sudbury Mar., 1931 | |

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The Commonwealth of Massachusetts

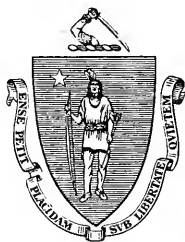
DEPARTMENT OF PUBLIC WELFARE

Division of Town Planning

Annual Report for the Year Ending

November 30, 1935

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DEPARTMENT OF PUBLIC WELFARE DIVISION OF TOWN PLANNING

ANNUAL REPORT FOR THE YEAR ENDING
November 30, 1935

RICHARD K. CONANT, *Commissioner**
EDWARD T. HARTMAN, *Consultant on Planning*

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Two (2) new planning boards, in Carver and Southborough, may be added to the list, making a total of 123.

But one new zoning law, in Dover, may be listed. This was adopted in 1933. In the meantime in many local zoning laws constructive changes and additions have been made or are under consideration. There continues to be many changes, in the form of spot zoning and undue expansion of existing business areas, which may not be called constructive.

It should be noted that during the last few years there has been a notable curtailment of activity in local planning and zoning, due to cutting down of current appropriations, and refusal of appropriations for new work, while in state and national fields the greatest expansion in our history has taken place.

That the people are becoming planning minded is manifested by the numerous inquiries received through office visits and by mail, through much constructive newspaper activity, and through "State Planning, A Review of Activities and Progress," prepared by the National Resources Committee. This report should be studied by all local board members. It gives a much-needed picture of the national field and indicates many possibilities for community planning.

It is being argued that when building a home, a business building, or an industry, a wise man will prepare and follow a plan, that the building may be safe and sound, and that functional efficiency may be as nearly perfect as possible. It is then asked why such a plan, and the following of such a plan, is not as important, even more important, with a thing so dynamic, so vital in the lives of all the people, as a city or town? A city or town, moreover, is not static, not nearly so much so as a building. It is expanding, or contracting, or changing. Whatever is happening, a purposeful, directed change is safer than what is haphazard.

PLANNING BOARDS

A planning board has only advisory powers. Many boards have developed skill, they propose certain things which should be done, or advise as to how

*Walter V. McCarthy December 1, 1935.

to do what is to be done, with sound reasons as to when, where and how each thing should be done. The board provides for the town the same form of careful thinking which every capable board of directors gives to an industry.

Failure to use this care is one of the main causes of heavy town expenses. Action which is not sound increases the tax rate, depreciates property values, and undermines the economic base of the individual citizen and the town.

The careful man, the kind who makes the best citizen, refuses to buy or build a home or an industry in a poorly planned, ugly, unprotected, expensive town. The greatest element of competition between towns is the protection they offer to homeseekers and businesses alike. Investing interests refuse to loan money in unprotected towns, or loan less and at higher rates of interest; insurance companies insure for less and at higher rates.

Whatever a planning board advises, action remains with the town meeting. A careful board makes for action along the best lines. A town is safer acting on advice than without advice. The advantage of a board is that it may gain an accumulating experience and become more and more valuable as time passes.

The complaint frequently is made that boards have no power. This complaint comes as frequently from boards which have made no studies and no proposals for improvement as from those which have done much work and whose proposals have been turned down. Why should a board which has done no work complain that it is ignored? On the other hand, why should a town ignore the recommendations of a board which has done careful work? It should be remembered that the powers of a board are inherent in the members of the board. When they have imagination and initiative, when they work, when their work is sound, and when it is carefully presented to the people, results will come, sooner or later.

Great power, with no ability or willingness to work, would do far more damage than good. When a board is able and does sound work, its proposals should be given careful consideration, and followed except where better proposals may clearly be proven. When a board sees its town as a whole, and makes a conscientious endeavor to develop all parts of the town, each in proportion to its needs, and each feature in proper correlation with all other features, and when it pursues its work with steadfastness, it will gradually achieve its proper position in town affairs. When a board does nothing it should not complain, and the people should replace it.

ZONING

Protected Residential Districts.

All planners and citizens interested in protected home areas have long recognized that every element of protection must be provided if an investment in a home is to be safe. Now comes the Federal Housing Administration backing up every element that has been proposed by planners and thinking citizens.

Under the system by which the government insures a mortgage, the money being loaned by some loaning institution, the government refuses to insure unless the following conditions are complied with:

1. The house must be properly designed and constructed.
2. The local street system must be proper.
3. The local street system must have a proper relationship to the street system of the town so that there is easy access.
4. The necessary utilities must be installed or reasonably available.
5. The area must be zoned, and the zoning must be enforced.
6. As far as may be needed, private restrictions must be imposed to protect the property. This means, for example, that if the town is not zoned the area involved must have private restrictions which will keep out business intrusions and provide other conditions which make for safety of the investment.

If the government is not justified in insuring a mortgage except under these conditions, what can we say as to the advisability of building or buying a home in a town which lacks these elements of protection, or as to the wisdom of a bank in loaning money on a mortgage for the construction of such a home. If it is unsafe for the Federal Government to have anything to do with such homes it is unsafe for any individual to have anything to do with them. Literally millions of individuals have learned this from practical experience and yet, in spite of this, most of our towns refuse to give themselves the necessary protection, and many of our towns which have seemed to offer this protection have allowed the breaking down of the protection through some process. It would seem to be time for all citizens to weigh these matters soundly and to see to it that they get the benefit of what the laws now make available.

Existing Zoning Laws

From many sources comes the assertion that local zoning laws need revision. This seems obvious if we consider the full purpose of zoning. What the enabling law permits, what the people desire, is not enforceable if it is not covered in the local law. If homes and businesses are to be protected, if property values are to be stabilized, the local law must have a full equipment of all features so far developed. Does your law contain these features? If it is proposed to use a large house in your best residential area as a custodial home for the feeble-minded, if a teacher of the cornet, the saxophone and the drums wants to operate to a late hour at night, if a perfectly proper community club building wants to have, or to let space for, all-night dancing, if a man wants to remove sod, loam, clay, sand, gravel or quarried stone for sale, have you a proper method of regulating these uses, or of preventing them entirely if conditions are such as to make them dangerous?

Too many local laws regulate only the uses which may be permitted, and these in an elementary way. A home area permitting single and two-family homes and multiple dwellings has no satisfactory protection, as has been pointed out by many courts, including the U. S. Supreme Court. There is likewise poor protection where from two to ten times as much land as is needed is zoned for business.

Bulk zoning, arrived at through height and coverage limitations, is an imperative part of the city plan. Planning is a problem in three dimensions. Either the street, water, sewer and utility systems must be designed for an assumed bulk of buildings, or the bulk of buildings must be adjusted to the street and other systems. If the bulk of buildings, which decides the service demands on the street and other systems, is greater than can be served stagnation follows. This stagnation is now one of our greatest social problems, involving heavy expense, accidents, which are also expensive, retardation, again expensive, and ultimately heavy loss of property values.

Our mistake lies in that, contrary to the English and European method, we have treated what we lay down on the land, what we call the plan, in one compartment of the mind, and what we build on the land, what we call bulk zoning, in another compartment of the mind. We do not relate them, as they must be related if we are to solve our problems of congestion, traffic hazards, light, ventilation and fire protection. Into a system of streets laid down in the horse and buggy days we have injected the skyscraper and the automobile.

The existing street and block systems of our cities will have to be reorganized as fixing the city pattern, or we will have to undertake large-scale demolition and lay down a new pattern. To attempt to solve the problem by large-scale widening of streets is economically and practically impossible. The remaining block sizes, after widening, do not lend themselves to proper use.

not at all in many instances, in many others only when the whole block is in a single ownership.'

Systems of traffic regulation are very expensive, only palliative, and tend to delay the day when effective solutions will be applied.

The best planning, economic and social analysts of the country now agree in their interpretation of the known facts in regard to these matters. It is not an answer to accuse them of being alarmists. The whole people are vitally concerned. The people should be led in their thinking towards sound solutions by planning boards. Such boards should be ably supported, in the solution of this and all other problems of town building, by the people and by all official agencies of government.

FREEWAYS

A bill to permit the department of public works to build freeways has been filed for consideration this year. A freeway is defined as a way to which no one has any right of access except over an intersecting way. It is variously called a freeway, a limited way, and a steadyflow way.

The petitioner is the Massachusetts Federation of Planning Boards. The Federation argues that freeways are now imperative for economy, safety and the protection of natural beauty. This is a problem of major economic and social importance. A solution is big with possibility for the general welfare.

With access to such a way only at properly designed intersections, as widely separated as possible, traffic would be expedited, safety would be increased, and the natural beauty of the countryside would be protected. Such intersections, where both ways carry heavy traffic, would be of the cloverleaf design. Where one way has lighter traffic a traffic circle or some other design to permit a weaving, steadyflow, motion would be planned.

Economy is obvious. According to the latest accepted figures a four-lane freeway will clear from three to four times as much traffic as a four-lane unprotected way.

The advocates of freeways, from the U. S. Bureau of Public Roads down to local advocates, the country over, hold that the mere existence of additional unprotected ways causes heavy loss. Such ways depreciate values, while a proper freeway will increase values where there is any reasonable need of land development. A freeway is, for example, a speedy, safe and beautiful way of approach to a fine home development, reached via an intersecting way.

The demand of all abutters to be allowed to build what they like along our state highways is admitted to be wrong because this kills the traffic-clearing capacity, for which the road was built, through parked cars, people crossing from one side to the other, and many other forms of interference. There is no demand for such space for general business. Were all existing Massachusetts state highways solidly developed for business they would meet the needs of 50,000,000 people—and the ways would be killed for traffic. General business belongs in the trade centers of cities and towns, through which no main highway should pass. At main intersections the needs of the users of freeways may be supplied without traffic interference, or undue hazard, or destruction of natural beauty.

The hazards of unprotected ways are as obvious as their expense. At last the people are aroused over the deaths and injuries on our highways. The economic cost of accidents, put at \$1,500,000,000 per year by the National Safety Council, 66 per cent higher by other authorities, at \$17,870,000 for Massachusetts, is causing widespread alarm. Hitherto the annoyance of retardation has been more considered—it is a major item of cost—and efforts

have been devoted to traffic regulation rather than to planning for safety, which is best done through freeways and insulated neighborhood units.

And natural beauty is worth considering. Virgil Jordan of the National Industrial Conference Board has emphasized this by saying that we live as in a series of ramshackle mining camps, as though expecting to move on tomorrow, while these camps are connected by recently constructed good roads running through an abomination of desolation. To be able to leave a city center over a protected, safe, beautiful way, and arrive at a home in a safe and beautiful development, is the hope of every thoughtful citizen. To date such opportunities are notable for their scarcity.

The advocates of the measure urge the high economic importance of safety and beauty, and say that these must be added to that coming from so designing a way that it will do the work of three or four unprotected ways. They say that the cost of \$90,000 per mile for the Providence road, \$145,000 for the Concord road, and \$175,000 for the Worcester road, the figures of the chief engineer of the department, is but one element of the cost of unprotected ways, and that if we are brutal enough to ignore injuries, deaths and the destruction of beauty, the economic results alone will force action. They urge that this action has been too long delayed, and that the unfortunate financial conditions of the state and most of the municipalities would have been greatly relieved by earlier action.

There seems no reasonable ground for argument against any of the points advanced. There are many other points in the comprehensive arguments now made the country over, and none of them seems weak or foolish. The reasons cited, and many others, are putting a rapidly increasing body of opinion back of freeways. The people see that freeways are economical, safe, and may be beautiful, all in a high degree, and they consider any one of these points as enough to justify the development and protection of such ways.



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DEPARTMENT OF PUBLIC WELFARE

Division of Town Planning

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Five (5) new planning boards have been established during the year, in Chatham, Deerfield, Dracut, Lenox and Whitman. This increases the total to 127. Thirty-six (36) cities have boards, 33 towns with over 10,000 inhabitants and 58 towns with under 10,000. Carlisle may be credited with being the smallest place with both a planning board and zoning.

Three (3) places have changed their zoning status during the year, not counting a number of places making ordinary amendments. These are Andover, which substituted a comprehensive by-law for an interim law; Sudbury, which substituted more definite use zoning for an interim law; and Scituate, which adopted partial zoning. This total of 83 zoned places includes 52 cities and towns with over 10,000 inhabitants and 31 towns with under 10,000.

The new board in Chatham is actively at work on a zoning scheme, and the Dracut board has organized a number of committees for studying special problems. There is no evidence of activity in the other new boards, and this unfortunately applies to a number of boards previously established. Things are happening which cost considerable sums of money, and much of this money could be far more effectively spent if every town and city carefully considered the best way of doing every item of work. An industry capitalized at the assessed value of any town, even the smallest town, would not think of proceeding with alterations or with expansion of any kind without careful planning as to methods of production and of expansion. When planning boards will take their work in the same spirit in which a board of directors takes its work, our towns can become far more effective in the functioning of all their activities, far less expensive and far more comfortable as places in which to live.

Many of our most beautiful towns are being ruined by shack developments, both for permanent and summer use, and by an indiscriminate scattering of filling stations, roadside stands, road houses, dance halls and billboards over large areas. The people become alarmed, but generally only after much damage has been done. Queries as to what to do about it come in every week of the year. One may find a doctor who can help him a little when he is ill, but it requires the best of civic doctors operating for many years to cure a sick town. Many towns are just beginning to realize that they are not well.

A planning board, made up of people with imagination, initiative and power of leadership, has an opportunity to do many things which will benefit their towns through all future time. Towns should be steered. Mere drifting causes a town to arrive nowhere in particular. Mazzini said, in effect, that people do not progress by boasting of what they have been or are, but by carefully removing every discoverable defect. This applies to the physical town. And the people make the town. A town fine in all ways is a sure badge of a live and sound-minded people.

ZONING WITH RESPECT TO ALCOHOLIC BEVERAGES

When most of our zoning ordinances and by-laws were written it was not anticipated that the saloon would be a problem. Since repeal, the promises of the proponents of repeal have been notably ignored. It was said that the saloon would never come back. There are now more saloons than there were before prohibition. They may not be of exactly the same kind but they amount to the same thing.

There is a tendency on the part of licensing boards to allow the sale of alcoholic beverages in connection with restaurants and elsewhere, regardless of location. Many are in residence districts and in road houses in open country. Many are in violation of zoning laws.

It was some time ago found necessary to specially restrict the location of garages and filling stations, due to their hazards and interference with home life. In some cases they have been prohibited in business districts, although under a classification differing from that prevailing in Massachusetts. A number of Massachusetts ordinances and by-laws prohibit them anywhere within 200 to 400 feet of the property line of any public or private school, public library, etc. They also prohibit them within certain distances of residence district boundary lines. It would seem as though a similar treatment should be imposed upon saloons. Such a provision might read:

LOCATION OF PLACES FOR THE SALE OF ALCOHOLIC BEVERAGES

"No place for the sale of alcoholic beverages to be consumed on the premises shall be permitted anywhere within two hundred (200) feet of a residence district, measured along the same street frontage, or within four hundred (400) feet, similarly measured, of the property line of a public or private school, church, library, park or playground."

It is obvious that such places should be kept away from schools and similar places, as was the custom before prohibition. The courts have upheld these laws as applied to garages and filling stations; and such laws were upheld, before prohibition, in regard to saloons and schools. Modern zoning should extend the protection to the other mentioned institutions.

This seems to be within the scope of the zoning statute, which provides that "state and municipal officers shall refuse any permit or license for a new use of a building, structure or land which use would be in violation of any such ordinance or by-law or amendment thereof."

Local laws should be amended to cover all these features.

ZONING VIOLATIONS

Zoning violations are numerous. This is coming to be recognized and people are demanding a remedy. There are legalized, so-called, violations, where boards of appeal permit unlawful intrusions. To solve these problems, citizens have to go to court and overturn the work of the boards, as has been done repeatedly in Massachusetts and elsewhere. Other violations arise from improper action by building inspectors. Still others come from action by builders, who proceed without permits.

The expense of correcting these errors should not have to fall on private citizens. If boards of appeal were consistent in their actions, in short, if they

followed the court decisions, and if building inspectors were persistent in performing their duties, it would almost never be necessary for a private citizen to go to court to correct an error. Citizens have to proceed against the boards of appeal which go too far, and they have to proceed against the building inspector when he goes too far or carelessly allows a violator to proceed. In the last two instances the action is against the building inspector.

When a citizen proceeds against the building inspector, the town has to pay the cost of defending the inspector, and the citizen has to pay the cost of defending the town and securing due enforcement of a law. Building inspectors should always say "no" when a man applies for anything illegal or even when the building inspector is in doubt. When a violator proceeds without a permit the building inspector should order him to stop and should then take it to the Town Counsel. This procedure does not cost the town one cent more than the other method, and the town and its agents are spending the people's money in the interests of the people, instead of against the interests of the people. They are, at the same time, not requiring private individuals to bear the costs of court procedure while, at the same time, these individuals are taxed to hire people to fight against them.

Mr. E. M. Bassett illustrates this point by a case where four stores were built in a residence district without a permit. A citizen protested to the authorities, and they refused to act. The citizen took the case to court, and the court denounced the authorities for the failure to act, as a neglect of a clear public duty, and the court restrained the use of the stores.

A building inspector recently asked what he should do with a number of applications for overnight camps in both residence and business districts. This was in a city with an ordinance adopted in 1929. At that time such camps were not prominent and were ignored. Changed conditions now cause people to think they may be profitable. The ordinance names many uses which the inspector may permit in business districts, and others which may be permitted only by the board of appeals, after a hearing and a finding. It further provides that the board of appeals, under the guiding rules, may admit other uses which it may "find to be substantially similar to the uses permitted in this section and not injurious to property or to the uses herein specified." When it was explained to the building inspector that he could not issue a permit for an overnight camp in a residence district, that he had no mandate to issue a permit in a business district, and that if he refused the decision would fall upon the board of appeals or upon the council, and if the matter should go to the courts the expense would fall upon the applicant and not upon an injured citizen, he agreed at once that that was the proper course for him to pursue. It is the only course for a building inspector to pursue if he wants to consider the interests of the people who are employing him to do a specific task.

When such a matter goes to the board of appeals the board can, of course, do the wrong thing; and if it goes to the City Council it can do the wrong thing; and if it goes to the courts, the courts may do the wrong thing. The procedure advised is not suggested as something that is water-tight. It is suggested as a method which is just to all concerned, far more so than prevailing methods. If people want results along the lines suggested, it is wise for them to consider their building inspector, the board of appeals, the legislative body and the whole judicial set up of the Commonwealth. It so happens, however, that not only in this state but in practically every state and in the U. S. Supreme Court the decisions have far more tended to uphold zoning laws than have any administrative agencies.

ARE WE REALLY PLANNING?

For some time there has been dissatisfaction with the results of our efforts at planning. The type of organizations and minds now expressing this discontent is such that it no longer can be ignored.

The National Association of Real Estate Boards, through its secretary, says

that zoning and city planning on a large scale so far have failed. He says:—"Our cities are certainly no better than they were 20 years ago. Of course the apologists for city planning and zoning can well say that it might be worse. I am inclined to doubt it." Towards a solution the Association proposes a new type of government unit, the neighborhood. "Our neighborhood proposal is an attempt to start planning with a unit small enough to handle." The effort seems to be due to the fact that present governmental units do not function towards the protection of the areas most needing protection. The authorities do not enough consider local needs and the proposal is to give the control into the hands of the locality affected.

In Milwaukee this is illustrated by a WPA investigation, as reported in the "Engineering News-Record" of August 13. They found 3,365 violations of the zoning law. Twenty-four hundred (2400) of these were in residential areas. Says the editorial:—"Just how the 600 groceries and 392 taverns got entrenched among residences is being asked with raised eyebrows."

The Chamber of Commerce of the United States points out that every city is made up of a group of neighborhoods of various sizes, and it also advises the neighborhood units as a means of effective control. It points out that zoning as a means of control, in a realistic sense, has not been tried. "We have merely pretended to zone. Our zoning laws in general are utterly inadequate . . . They are a poor compromise of conflicting interests . . . We cannot hope at all for an improvement of conditions ordinarily through the zoning method." The article then urges giving neighborhoods the power of organization for the purpose of proper protection and stabilization of all neighborhood assets.

But the chief appeal of the Chamber of Commerce is that capital interest itself in neighborhood development as a sound investment enterprise. Each unit must be large enough to accomplish a sound purpose and remain under full and permanent control by the owning corporation, so that it may have permanent intrinsic value as a going concern.

Frederick L. Ackerman, quoted with approval by the Federal Housing Administration, asserts that zoning has not restricted, except in matters of little importance, and that it has not stabilized property values. The difficulty, in his opinion, is that we have attempted to give the sanction of law to fantastic expectations in regard to real estate values, which expectations are not justified by the possibility of net earnings in urban communities. This is done by excessive zoning for the purposes supposed to produce the higher values. He then asserts that it is highly probable that the area now actually used for business and industry approximates the maximum requirements for all time. He urges that we bring zoning within the domain of the probable and that we establish districts which have a rational, functional relationship to each other.

We have plenty of evidence in our own state as to the situation. Indications are that the people of Springfield have succumbed to the allurements of the beauticians and have admitted them to the most restricted districts. In a like manner, the city of Lowell has succumbed to the undertakers, who now may be admitted by the Board of Appeals to the most restricted districts. Falmouth is considering adding artificial ice factories to her most preferred list. Beauticians and undertakers are elsewhere considered as business people, and an ice factory as a nuisance industry. One state supreme court has barred an ice factory from a business district.

Violations, not only by the score but by the hundred, are to be found in many places. Single-family houses are being converted into two-family houses. Barns and other buildings are being converted into dance halls and saloons. In one instance where the latter happened, no permit was applied for, and the building inspector said he could take no action because no application had been made.

City councils and town meetings are lax in regard to spot zoning, which is one of the reasons for the statements by the national groups above quoted. The work is poorly done in the first instance, and then it is further broken down

by spot zoning. One town recently held a special town meeting to consider 9 applications for spot zoning. It passed 8 of them. And yet it claims to be a zoned town.

Our zoning systems are weak; and the administration is, in too many instances, weak. The strongest element in the whole movement is the courts, which have quite effectively pointed the way in their decisions. Six (6) Massachusetts decisions set definite limits to the power of boards of appeal towards breaking down zoning laws, but these decisions greatly increase the power of such boards towards sound zoning administration. One of these cases involved a permit for an undertaking establishment in a residence district. The court overturned it about two years ago. Just recently the same board of appeals has granted another such permit.

In all machines we aim at functional efficiency. Why not do the same in planning? Planning is the means towards a town that is what a town ought to be. Planning is not an end, but a means to an end. Until we recognize and clearly conceive the end we cannot effectively work out the means. Do our present towns constitute the end to which our best aspirations should point? May we hope they will become better when we lay down a street system, or accept an existing system—which we are mostly forced to do—and then zone for ten times the bulk that the streets and other utilities can serve?

One end of planning today is a street system that will take care of the automobile. Are we adapting the zoning side of planning to this end? We are not. As to another end we should have in mind, beauty, most parts of our cities and towns look like what is left when a building is just finished and no debris has been removed. Light, ventilation, fire protection and privacy are equally ignored. We have achieved ugliness, brutally hazardous conditions, inefficiency; not beauty, safety and efficiency.

The reasons for our achievements, or failures to achieve, are our problem. What are the reasons for our failures? Our problems are bigger than planning. They include the mechanism of planning; planning boards and all legislative and administrative branches of government. As now constituted, are these ready for the job? If not, whose fault is it?

The newspapers are filled with accounts of careless work by building inspectors, faulty work by boards of appeal, reckless extension of business areas and spot zoning by city councils and town meetings. We have yet to learn how to plan. More serious, we have to learn how to adopt and carry out the plan.

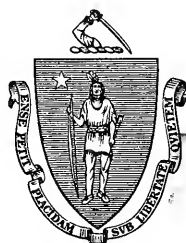
The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

DIVISION OF TOWN PLANNING

ANNUAL REPORT FOR THE YEAR ENDING

Nov. 30, 1937



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| | Page |
|--------------------------------|------|
| COMPREHENSIVE ZONING | 3 |
| BALANCED ZONING | 4 |
| ZONING AND LIBERTY | 5 |
| SUBDIVISION CONTROL | 6 |
| MASTER PLAN | 7 |
| STATISTICS | 9 |

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE DIVISION OF TOWN PLANNING

WALTER V. MCCARTHY, *Commissioner*
EDWARD T. HARTMAN, *Consultant on Planning*

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REPORT OF THE DIVISION ON TOWN PLANNING

This year 13 new planning boards have been established, all under the provisions of chapter 211 of the Acts of 1936. They are Adams, Chelmsford, Dennis, Dracut, Hampden, Harwich, Lincoln, Nahant, Petersham, Russell, Seekonk, Sherborn, and South Hadley. Adams and Nahant had boards at some time in the past, but they have had none for several years. This makes 139 boards in all, 69 of them being in towns of under 10,000 inhabitants. Ipswich established a planning board and within a few weeks annulled the action.

Attleboro, Concord, Haverhill, Milford, Natick, Paxton, Saugus, Swampscott, Wellesley, and Winthrop re-established their boards under chapter 211 of 1936, while Brookline accepted the provisions of that act adding subdivision control to the powers of its board of survey. This gives this new power to 24 places.

The 139 boards with new, or only the original, powers have definite duties to perform. It has been said that they are handicapped by opposition, by indifference, by niggardly appropriations and no trained assistance. It is also stated that failure is due to board members who lack interest, initiative, vigor, courage, or have a too narrow view of their task. For these and other reasons one of our boards floundered for several years. Then a new chairman, with many of the required qualities, put himself to the task of creating a board. A mid-term vacancy gave a chance to hand-pick a man with special ability. A sympathetic but uninterested member was persuaded to resign. Another hand-picked member was added. The reconstituted board went to work. It secured Federal aid, it showed officials and people what it planned to do, the value of the work, and received a town appropriation. At the last town meeting all its proposals were adopted with enthusiasm. The whole town is on the way, and it knows where it is going. The officials, including the planning board, are a team, cheered by an interested citizenry. Let others do likewise.

Action along zoning lines has not been very marked; but it is significant that Peabody and Watertown substituted comprehensive laws for elementary laws, the replaced law in Peabody being the so-called interim type, and that in Watertown an elementary zoning law. Canton and Nahant in their second effort, former attempts being some ten years ago, succeeded in adopting more or less comprehensive zoning. Chatham and Yarmouth, in their second efforts, were unsuccessful. Significant action in the way of improving more or less elementary laws was taken in Belmont, Sudbury, Wellesley and Weston. Belmont acted upon 9 constructive amendments, adopting all. One raised about a third of the area of the town from 10,000- to 15,000-foot lot areas; and the other 8 raised various areas from a lower to a higher classification, business to residential or general residence to single residence.

Greenfield and Southborough prepared zoning schemes but postponed action for one year. Some time ago Hudson substituted a more complete for an elementary law and Franklin adopted an elementary law, but neither was published and the results were lost.

Sudbury established 20,000-foot minimum lot sizes for the entire town; Wellesley, 10,000-foot lot sizes for the entire town, and is now studying the situation with a view to increased sizes in certain areas; Weston, with a 10,000-foot provision, left this requirement for the small general residence area and divided the remainder of the town between 20,000, 30,000 and 40,000-foot requirements, the latter covering about 75 percent of the area of the town. The new Nahant law provides for 5,000 and 10,000-foot lots; the Watertown law for 5,000 and 8,000-foot lots; and the Peabody law for 6,000, 10,000 and 15,000-foot lots. This means that 7 places have taken constructive action, some of it very far-reaching, in regard to minimum lot sizes.

Along with such official action, a number of subdividers are developing large areas with lots ranging from 12,000 to 20,000 square feet in size. This all tends towards what people are seeking; spaciousness—light, air, privacy and fire protection; durability—livability, protection from intrusions and stable economic and social values.

Some of these constructive amendments were adopted with enthusiasm. With like enthusiasm other places weakened their laws, and their protection, by punching their laws full of holes.

A zoning law is, like a suit of clothes, intended for protection. If a suit of clothes has poor fabric and many holes, the wise action is to replace it, as did Peabody and Watertown. If its fabric is good and will hold patches, wise action covers the holes, as did Belmont, Sudbury, Wellesley, and Weston. It is an unwise town that will tear new holes in its protective suit, with an uproar of derisive yells. Too many places with meager protection receive a steady succession of pleas for more rending, and rarely reject one. It has become a habit, a habit difficult to overcome. These places are zoned, but they are zoneless, their protective suit riddled. Their future is in the past.

COMPREHENSIVE ZONING

There are very few comprehensive zoning laws. Many are so listed which are so only in part. Some have "use" features plus lot sizes, or yard provisions, or height and coverage provisions. The major mistakes have been made in regard to height and coverage. Given a certain width of streets, it is impotent to provide that in business, or any other, districts the height limit shall be 200 feet and the coverage 100 percent. To mean anything, height and coverage must bear a relationship to the street widths. In reality, there should be different height and coverage limits for every variance in street widths. The Chicago Regional Planning Association recommends for the entire area outside of Chicago, business and industrial buildings no higher than half the width of the street. The purpose of such regulations is to ensure that what is built upon private land may be serviced by the streets, as to traffic clearance, light and ventilation, fire protection, etc. When height and coverage provisions permit twice what the streets can service, the provisions are meaningless.

Since zoning laws were first established it has been learned that there are many needs and possibilities which were at first undiscovered or not considered. A city or town with only use zoning is in for much trouble. For the cities, except Boston, there is a state law limiting height to 125 feet; but no city has a street system which will service buildings of that uniform height. There is no height limit in towns unless established under a building or zoning law.

Comprehensive zoning provides for a well-considered system of use regulations; bulk regulations, arrived at through height, and coverage; yard and court provisions; vision clearance; and, in residence districts, minimum lot sizes, front, side and rear yards, percentage of lot coverage; and, everywhere, regulation of accessory and nonconforming uses, and full provision for all desired administrative features. There are many uses which belong in certain districts, but which it is not safe to

admit indiscriminately. Garages, filling stations, saloons, and other uses, permitted in business districts, should not be allowed within certain distances from schools, churches and other institutions, and from residence districts bordering on business districts. These prohibitions may be made definite. There are many uses for which this method is not adapted, and for which special regulations must be provided. If they are not provided, the building inspector must issue a permit. No town, and but few cities, should have unrestricted districts. Varying according to the nature of the place, certain notoriously noxious industries may be barred by name, while others should be admitted only after a hearing by the board of appeals and a finding that in the location selected they will do no damage. The same method must be used in regard to the removal of earth products from residence districts. The resulting conditions after the operation is completed, the methods of handling material at the site and of transporting it through the town are all important items. Consideration is being given to hospitals for the insane, schools and custodial homes for the feeble-minded, fraternity houses (often only so called), music and dancing schools, and numerous other uses which frequently make life miserable for all unfortunate enough to live in the vicinity.

A new conception is essential in regard to mercantile buildings, where there is much loading and unloading of trucks. These buildings, more often than not, are located on narrow streets. There must be a limitation of coverage, to provide light, air, access for fire-fighting apparatus, and loading space; or loading rooms must be provided. These latter are much inferior to the former. But to propose a limitation of coverage, which will allow a town to function effectively, will be rigorously fought, because there are two or three small blocks surrounded by narrow streets where the owners want a 100-percent-coverage privilege. So all are given the privilege; and conditions go from bad to worse, finally to stagnation. It is pointed out that many merchants are actively competing with their would-be customers by occupying all possible parking space with trucks and their own and their employee's private cars. In one town a study showed that 83 percent of the reasonably available space was so occupied.

BALANCED ZONING

Comprehensive zoning must be also balanced zoning. When a city has five to ten times as much land zoned for business as it can ever use, it can't pretend to have balanced zoning. Most of our zoning is unbalanced. In places where it is worst there comes a constant succession of requests for what will make it more unbalanced. By acceding to these, cities and towns are perpetuating blight.

Balanced zoning means zoning that gives to industry and business, to apartments and general residence, such amounts of space as conscientious land-use studies show to be necessary. Probable growth should be considered. But the population curve is flattening out. Industrial and business zones are far too large. It has been said that areas now actually in use for these purposes are enough to meet the needs for all time. Were we to develop substantial buildings where every shack store, every monitor building, now stands, make the new buildings two or three stories high, there is no doubt but that the surmise would be correct.

Balanced zoning is arousing much interest, as we pointed out last year. But its value and justice is not yet generally understood. A local editor recently said that the law for his town was awkward, unfair, inequitable, and loose; and that it should be changed. It happens that a major highway runs through this town. It runs through land only slightly developed, a considerable distance from the two village and trading centers and from the developed residential areas. The editor's suggestion is that the land along this highway should be used for business purposes.

There are already developed business areas elsewhere, sufficient to more than meet the needs of the town. Moreover, a full and substantial development of the land involved would meet all the business needs of 100,000 people. There are less than one-sixth that many people in the town. To zone the area for business would accommodate very few of the local people, would injure businesses already established, and would result in what the English call a ribbon or shoestring

development. It would mean a few indifferent, tax-payer units scattered along the way, most of them making no money. It would give a very bad impression to people passing through and injure the reputation of the town. It would mean unbalanced zoning to a marked degree. It would not create values but would injure values of much adjacent land. The solution of this problem lies in making this main way a freeway, as pointed out in our report for 1935.

There is a rapidly growing belief that zoning laws must be rewritten. Every planning board should carefully consider its zoning law and gradually, or at once, provide zoning that is balanced and comprehensive.

It was not a crime to write poor zoning laws in the beginning. Poor administration of poor laws was not a crime, except in cases where criminal action took place. But now that we know the possibilities of good zoning and how to do it, it is a crime not to write good laws; and it is a crime to permit or even condone faulty administration. If as communities we have not enacted efficient laws, it is up to us to do so, and then to see that no administrator is so ignorant, or careless, or venal as to permit the laws to fail of their purpose.

ZONING AND LIBERTY

Lincoln said: "The shepherd drives the wolf from the sheep's throat, for which the sheep thanks the shepherd as his liberator, while the wolf denounces him for the same act, as the destroyer of liberty, . . . Plainly the sheep and the wolf are not agreed on a definition of the word liberty; and precisely the same difference prevails today among us human creatures."

To accomplish a desired purpose, whether it be to achieve a new ideal or to correct a wrong, a plan must be worked out and put into effect. But every such proposal is opposed by those who profit by no change and those who oppose change merely because it is change. They do this in the name of Liberty, whereas there can be no liberty without progress and the correction of wrongs. To regulate automobile drivers so as to save lives and property, to regulate the stock market to protect innocent investors, to require pure foods and drugs for the welfare of the people, to do any one of a thousand things, interferes with the liberty of someone, but is essential for the liberty of all. If I may not poison your child, by a like token you may not poison mine. We have to mutually agree to a limitation of our liberties, all people have to so agree in the interests of all. It is necessary if we are to achieve any kind of social purpose, if we are to improve conditions or to stop injurious trends or to become civilized.

A chief purpose of zoning is to protect property values and to promote the public welfare. Because of the trends of the time, very largely because of the development of the automobile, it has become imperatively necessary to take action, to regulate, to protect. It is unfortunate, therefore, to have a town counsel say that zoning simmers down to managing the use of your neighbor's property rather than your own, and that nowadays everyone has more rights to land than the man who pays taxes on it; or to have a citizen say that zoning is a noose around the neck of better business, and ask whether this is Austria or free America; or to hear a town clerk say that he fought through the four years of the Civil War in the name of liberty, and that he did not now propose to surrender his liberty. The gentlemen highwaymen of England and the pirates of the sea used the same arguments when their liberties were being curbed.

One has only to contrast our towns, their appearance and their prosperity, to learn that there is some meaning to a sound scheme of growth, and become convinced that all people must be regulated in the interest of all. That this is so is asserted by the National Association of Real Estate Boards, the U. S. Chamber of Commerce, the investment bankers, the insurance companies, the public utilities, in fact by every major group in the country. They can't all be wrong.

A town meeting was recently considering a zoning law. A citizen, supposedly intelligent and public-spirited, said he believed in zoning but that the law proposed was needlessly drastic and unreasonable and he would have nothing to do with it. The law was submitted to the National Association of Real Estate Boards for an opinion. It referred the law to its expert, a man nationally known for his

sound work; and he replied:—"While I am not familiar with the conditions in, I do not consider this by-law to be unreasonable or needlessly exacting in details. I have a summer home in the village of, which, I judge, is rather similar in size and conditions to I would be most happy to see a zoning ordinance in of the type proposed in" The town for which the by-law was proposed is preeminently a summer town. It rejected the by-law in the name of liberty.

"Zoning permits, or requires, group action which limits individual liberty, to acquire greater liberty and stability for the whole group." Ray B. Haight.

In *West Coast Hotel Co. v. Parrish*, Chief Justice Hughes said:—"Liberty in each of its phases has its history and connotation. But the liberty safeguarded is liberty in a social organization which requires the protection of law against the evils which menace the health, safety, morals, and welfare of the people." In *Morehead v. Tipaldo*, he said:—"Liberty implies the absence of arbitrary restraint, not immunity from reasonable regulations and prohibitions imposed in the interests of the community."

Joseph Lee once said that "If the lover of 'liberty' could go back and pass a year in some city of the middle ages, where freedom from sanitary law was given a fair chance to show what it could do, where the ignorance and laziness of each citizen had free scope to accomplish their perfect work,—I think that after such an experience the most ardent apostle of liberty in the negative sense would return with the conviction that after all the Black Death, the plague, cholera and smallpox are a class of tyrants whose rule is, upon the whole, more to be dreaded than that of the board of health."

SUBDIVISION CONTROL

Twenty-four (24) places now have the power of subdivision control under the new law. All boards should have this power. All that is necessary is a vote to re-establish the board under the provisions of General Laws, ch. 41, sec. 81A, as added by ch. 211, 1936; and a vote to accept the provisions of 81F to 81J, inclusive, as above added. The first step after power is secured is to adopt rules as to how subdivision plans shall be prepared and filed, and as to procedure under the law. These rules should cover:—

Scale and size of sheet.

Specify all data to be provided.

Streets—general requirements as to connections, width, grade, drainage, etc.

That streets shall be developed to a prescribed extent, that certain utilities shall be installed under prescribed conditions, and that all town-provided utilities shall be installed at a specified stage of the development.

Block sizes.

Lot size requirements if not otherwise covered.

Some stipulation in regard to land unfit for homes, because of swampy or other conditions.

In regard to urban land use, probably the most destructive work, economically and socially, ever done has been through unnecessary and faulty subdivisions. The country is filled with areas, urban, suburban, and even rural, where blight is rampant. The subdivider, the town and the purchaser all suffer. Control is coming, in most places a hundred or more years too late. But there is opposition from the unthinking and purely selfish. They say it is too much power to give any public body. One chairman replies that full power now exists, but it is all in the hands of the subdivider, who has complete power to make or mar, to create or butcher, and that most of it has been butchery. He urges that this power be given to towns, so that they may direct development in the interests of all. A new area with the whole layout as it should be, good approach, properly constructed streets and utilities, good design and honest construction of homes; all will give beauty, livability, contentment, and provide a stability of values which is now being demanded by all thinking people. The day of wild-cat land speculation and land butchery should end. The only way to end it is to stop it. It is a cancer. Towns will stop it or it will kill them.

The proper design of new neighborhood units, or the redesign of existing ones, requires care, training, balanced judgment, a sense of direction, definiteness of purpose, and enough backbone to prevent the track of the directing authority from resembling that of an inebriate or a paralytic. Towns should control the quantity as well as the quality of subdivisions. A good but entirely unnecessary subdivision is injurious. When almost all of Kansas and Nebraska was being subdivided a legislator proposed that at least every tenth section of land be reserved for agriculture. Too much and too bad are still the prevailing faults of subdivision work.

Street widths should fit the purpose and needs of the area. It is high time to lay out neighborhood units that are to remain neighborhood units. They must be held inviolate from intrusions, and there must be no anticipation of street widening that will break down the area. Some streets should have but 12 feet of surfaced area, the remaining open space being reserved for grass, shrubs, and trees. Such units should invite no through traffic. It would be better to allow no through traffic, by having but one entrance, leading from the major way of approach, to be used by residents, visitors, and those servicing the area. The butchery of children, and adults, could thus be ended.

The cul-de-sac is frowned upon. Today it is the safest and most comfortable location for a home. Its worst form is a dead-end street with a turning space. Its ideal form is a neighborhood unit, a glorified cul-de-sac. Such a unit should be large enough to require a school of reasonable size. It should be developed as a "greenbelt" unit, the greenbelt insulating it from the hazards and annoyance of the main way of approach. We never yet have designed, much less built, a genuine automobile-age town. The prevailing slaughter of people, money, and amenity is the result. Billions of money are going into more machines, more roads, all designed for more destruction of life and property. The Juggernaut and its way run through mangled bodies, a mangled countryside—the results of a mangled intelligence.

The first step for a planning board under the new law is to prepare itself for a sound and efficient administration of the subdivision control features. Land butchering much stop, because, as a capable subdivider says,—“We all want it to stop.” This same man said that the most effective sales point was that a subdivision is sound and properly developed, with the facts proven—not merely said to be so.

One of the best methods of securing control of needless and fatally expensive (to the town) developments is to require a proper development of the streets and the essential utilities. This is the only way to avoid the wasteful and unsocial results which come from our usual method of butchering land.

MASTER PLAN

While proper subdivision control depends much upon a sound master plan, the latter cannot be worked out at once. It is an evolution, requiring intelligent and continuous study and adaptation. The master plan will contain many elements which will affect the success of a subdivision, and essential data should be collected as soon as possible. All wise subdividers will be guided by such data. Otherwise they may find their efforts, and money, wasted. The town, and lot purchasers, stand to lose as well. Replanning is far more expensive than planning. Bad subdivision work penalizes purchasers in many ways, a chief one being betterment assessments, or going without what the assessments would provide. Some states require a master plan before subdivision control may be exercised. Both are essential to good work, and local boards should be guided by this.

A major street plan should be studied at once. It is essential if a board is to be able to foresee how a subdivision fits into the general plan. New streets in the major plan should be laid down on the map, as nearly as possible where they should go, if and when needed. They should be carefully coordinated with the existing center or centers and other main ways leading to other towns. With these ways studied, a board may begin subdivision control with some accuracy.

When a subdivision is related to a proposed major way, the way should be surveyed and fixed on the map.

Subdivisions and all elements of the master plan, to be accurately guided, require basic data which should be secured at an early date. We may but outline some of these needs. Some will be more important in one place, others in other places. Some will be needed here and not at all there. Much of the material is already available and needs but to be collected, tabulated, spotted on a map, or otherwise made usable. Some features are:—

A town map—a tool needed for all features.

Width, grades and types of construction of streets.

Zoning map fully up to date.

Land use survey.

Assessments and land values map.

Water supply system.

Sewers.

Surface and storm drainage.

Public buildings, with emphasis on schools.

Parks, playgrounds, and other open spaces.

Electric light and power system.

Gas system.

Telephone system.

Contour map.

Special map data and other data should include:—

Population spot map.

Expenditures—classified.

School population spot map.

Taxable values.

Income—amount and sources.

These, possibly other, data will be used in forecasting trends and needs. The physical, economic and social problems of the town may be studied, their trends predicted, when this information is at hand. Total and school populations should be recorded for several past decades, and predicted for future decades. Many influences affecting population must be recognized. Income, expenditures, taxable values and other features should be listed for past decades and estimated for future decades.

With data of this nature in usable shape, a planning board need not wander in the dark. With no data, it will exercise no leadership, it will serve no purpose, it should not exist. There are men and women who can and will do the necessary work. Each town should find them and aid them, or not pretend to do planning work.

A master plan, it will be seen, is a continuing, perpetual process, not a fixed thing. For example, it is seen that a new school will be needed in five or more years. Past and present trends indicate that it should go here and be of a certain size. By the time it is built it is found that it should go there, some distance from the first point, and be of a different size. This is planning, not drift. It costs a little money and some work. It saves millions.

A high school was built, by rule of thumb. Incapable men did it. Its chemical laboratory had no water connection. In its first year of use classes were held in the corridors. It was a mess, no object of pride, notably inefficient. This is drifting, not planning.

